



The Mysore Gazette

Vol. 48.]

PUBLISHED BY AUTHORITY.

[No. 3.]

BANGALORE, THURSDAY, JANUARY 16, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 3596—S. R. 105-12-3, dated 3rd January 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of His Highness the Maharaja of Mysore are pleased to make the following change in the rules issued under Notification No. Fl. 7045—S. R. 51-07-11, dated 28th April 1909.

In Rule 3, line 2, for the words "three tolas" the words "one tola" shall be substituted.

By Order,
K. R. SRINIVASIENGAR,
Officiating Secretary to Government,
General and Revenue Departments.



The Mysore Gazette

Vol. 48.]

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[No. 4.

BANGALORE, THURSDAY, JANUARY 23, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 3596—S. R. 105-12-3, dated 3rd January 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of His Highness the Maharaja of Mysore are pleased to make the following change in the rules issued under Notification No. Fl. 7045—S. R. 51-07-11, dated 28th April 1909.

In Rule 3, line 2, for the words "three tolas" the words "one tola" shall be substituted.

By Order,
K. R. SRINIVASIENGAR,
Officiating Secretary to Government,
General and Revenue Departments.

e 133-11-11, dated 10th January 1913.

By Order,
K. R. SRINIVASIENGAR,
*Secretary to Government, General
and Revenue Departments.*

(Vide Rule 15.)

License to possess arms or ammunition and to go armed for purposes of sport, protection or display.

[illegible]

Seal

The.....of.....191

Form of renewing the license.

Date and year of renewal	Date on which the renewed license expires	Signature of Magistrate

CONDITIONS.

1. This license is granted subject to the provisions of the Mysore Arms Regulation, 1890, and the Rules framed thereunder.

2. It covers only the persons named and the arms and ammunition described therein and such retainers (if any) as may be entered in column 4.

3. It extends only to the place or district named therein, unless countersigned for other districts or the whole of the Mysore State by the Secretary to Government, General Department, or other officer authorised to countersign.

4. It authorises the holder or persons acting under it to go armed within the place or district named for *bona fide* prosecution of the purpose named on the license; but, unless specially authorised by the Magistrate, it does not permit the holder or persons aforesaid to go armed in Railway carriages or to fairs, religious processions or other public assemblages.

5. The license-holder, when purchasing any new arms or ammunition, shall have the following particulars endorsed upon his license under the vendor's signature:—

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and quantity of the articles purchased;

(3) the date of purchase.

6. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact to the nearest police station.

N. B.—This condition may be omitted at the discretion of the Government.

7. The special attention of the license-holder is drawn to the following sections of the Regulation:—

Section 8.—No persons shall go armed with any arms, except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license, or in contravention of its provisions, may be disarmed by any Magistrate, police officer or other person empowered by the Government of Mysore in this behalf by name or by virtue of his office.

Section 14.—Whoever commits any of the following offences (namely)—

(d) goes armed in contravention of the provisions of Section 8;

(e) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of Section 9 or Section 10;

(h) fails to deposit arms, ammunition or military stores, as required by Section 11, shall be punished with imprisonment for a term which may extend to three years, or with fine or with both.

8. This license expires on 31st December of the year or of the last year of the period as the case may be for which it is issued. The license-holder can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9. This license does not empower the holder to employ fire arms in the pursuit of game, for which a separate license under the Mysore Game Regulation and Rules is necessary. In addition to conforming to the said Regulation and Rules, the license-holder is also bound to observe a close season, as prescribed by the Government, in respect of the undermentioned animals and birds which do no injury to men, cattle or crops:—

Specification of animals or birds

Close season

Form V.

(Vide Rule 16.)

Fee—Four annas for each weapon, payable in stamps.

License to go armed on a journey.

1	2		3				4	5	6	
Name, etc., of license-holder with particulars of his residence	Arms and ammunition covered by the license		Retainers (if any) covered by the license				Place of departure, route and destination of journey	Time which journey will probably take	Period for which the license is valid	
	Description	Quantity	Name of retainer	Name of retainer's father	Address of retainer	Arms and ammunition that retainer is entitled to carry				
						Description				Quantity

The.....191

Seal

(Signature)

Dt.

CONDITIONS.

1. This license is granted subject to the provisions of the Mysore Arms-Regulation, 1890, and the Rules framed thereunder.
2. It covers only the persons named and the arms and ammunition described therein and such retainers (if any) as may be entered in column 3.
3. It is void after the expiration of the period named therein.
4. It does not permit holders to go armed in railway carriages, or to fairs, religious processions or other public assemblages.
5. The license-holder shall, at the time of purchase, have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature:—
 - (1) the name and address, of the person who takes delivery of the articles purchased;
 - (2) the nature and quantity of the articles purchased;
 - (3) the date of purchase.

NOTIFICATION.

No. Fl. 3944—S. R. 33-12-3, dated Bangalore, 17th January 1913.

In exercise of the power conferred by Section 71 of the Mysore Excise Regulation, 1901, and in supersession of Government Notification No. Fl. 4128—S. R. 188-07-8, dated the 15th March 1909, the Government of His Highness the Maharaja are pleased to prohibit from and after 1st July 1913, throughout the Mysore State, the sale of any medicated article containing Coca leaves, alkaloids of Coca, every other intoxicating drink or substance prepared from the Coca plant (*Erythroxylum Coca*) and all drugs synthetic or other, having a like physiological effect to that of Cocaine and all preparations and admixtures of any of the above, except under a license granted by the Deputy Commissioner;

Provided that this prohibition shall not be applicable to a medicated article declared by the Excise Commissioner in Mysore to be incapable of being used as an intoxicant.

2. Notifications Nos. Fl. 4128—S. R. 188-07-8, dated 15th March 1909, Fl. 4129—S. R. 188-07-7, dated the 15th March 1909, C. 129—S. R. 167-09-6, dated 15th June 1910 and Fl. 816—S. R. 167-09-8, dated the 12th August 1910, are hereby cancelled.

By Order,
K. R. SRINIVASIENGAR,
Officiating Secretary to Government,
General and Revenue Departments



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BANGALORE, THURSDAY, JANUARY 30, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1932---Police 133-11-11, dated 10th January 1913.

The Government of His Highness the Maharaja are pleased to direct that the annexed forms be substituted for license Forms Nos. IV and V appended to the Rules under the Mysore Arms Regulation published with Notification No. J. 1782—Pol. Mis. 65, dated the 26th December 1905.

By Order,

K. R. SRINIVASIENGAR,

*Officiating Secretary to Government; General
and Revenue Departments.*

Form No. IV.

(Vide Rule 15.)

Fee—Four annas for each weapon, payable in stamps.

License to possess arms or ammunition and to go armed for purposes of sport, protection or display.

1	2	3	4				5	6:		
Serial number of license	Name of license-holder with particulars of residence	Arms or ammunition that licensee is entitled to possess		Retainers (if any) covered by the license				District or place within which the license is valid	Date on which the license expires	
		Description	Quantity	Name of retainer	Name of retainer's father	Address of retainer	Arms or ammunition that retainer is entitled to possess			
							Description			Quantity

.....

(Signature)



The.....of.....191

Form of renewing the license.

Date and year of renewal	Date on which the renewed license expires	Signature of Magistrate

CONDITIONS.

1. This license is granted subject to the provisions of the Mysore Arms Regulation, 1890, and the Rules framed thereunder.

2. It covers only the persons named and the arms and ammunition described therein and such retainers (if any) as may be entered in column 4.

3. It extends only to the place or district named therein, unless countersigned for other districts or the whole of the Mysore State by the Secretary to Government, General Department, or other officer authorised to countersign.

4. It authorises the holder or persons acting under it to go armed within the place or district named for *bona fide* prosecution of the purpose named on the license; but, unless specially authorised by the Magistrate, it does not permit the holder or persons aforesaid to go armed in Railway carriages or to fairs, religious processions or other public assemblages.

5. The license-holder, when purchasing any new arms or ammunition, shall have the following particulars endorsed upon his license under the vendor's signature:—

- (1) the name and address of the person who takes delivery of the articles purchased;
- (2) the nature and quantity of the articles purchased;
- (3) the date of purchase.

6. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact to the nearest police station.

N. B.—This condition may be omitted at the discretion of the Government.

7. The special attention of the license-holder is drawn to the following sections of the Regulation:—

Section 8.—No persons shall go armed with any arms, except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license, or in contravention of its provisions, may be disarmed by any Magistrate, police officer or other person empowered by the Government of Mysore in this behalf by name or by virtue of his office.

Section 14.—Whoever commits any of the following offences (namely)—

* * * * *

- (d) goes armed in contravention of the provisions of Section 8;
- (e) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of Section 9 or Section 10;

* * * * *

- (h) fails to deposit arms, ammunition or military stores, as required by Section 11, shall be punished with imprisonment for a term which may extend to three years, or with fine or with both.

8. This license expires on 31st December of the year or of the last year of the period as the case may be for which it is issued. The license-holder can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9. This license does not empower the holder to employ fire arms in the pursuit of game, for which a separate license under the Mysore Game Regulation and Rules is necessary. In addition to conforming to the said Regulation and Rules, the license-holder is also bound to observe a close season, as prescribed by the Government, in respect of the undermentioned animals and birds which do no injury to men, cattle or crops:—

Specification of animals or birds

Close season

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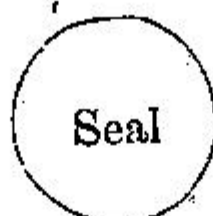
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(*Vide* Rule 16.)

License to go armed on a journey.

1	2	3	4	5	6
Name, etc., of license-holder with particulars of his residence	Arms and ammunition covered by the license		Retainers (if any) covered by the license		
	Description	Quantity			
	Name of retainer	Name of retainer's father	Address of retainer	Arms and ammunition that retainer is entitled to carry	
				Description	Quantity
			Place of departure, route and destination of journey	Time which journey will probably take	Period for which the license is valid

The.....191



(Signature)

Dt. _____

CONDITIONS.

1. This license is granted subject to the provisions of the Mysore Arms Regulation, 1890, and the Rules framed thereunder.
2. It covers only the persons named and the arms and ammunition described therein and such retainers (if any) as may be entered in column 3.
3. It is void after the expiration of the period named therein.
4. It does not permit holders to go armed in railway carriages, or to fairs, religious processions or other public assemblages.
5. The license-holder shall, at the time of purchase, have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature:—
 - (1) the name and address of the person who takes delivery of the articles purchased;
 - (2) the nature and quantity of the articles purchased;
 - (3) the date of purchase.

NOTIFICATION.

No. Fl. 3944—S. R. 33-12-3, dated Bangalore, 17th January 1913.

In exercise of the power conferred by Section 71 of the Mysore Excise Regulation, 1901, and in supersession of Government Notification No. Fl. 4128—S. R. 188-07-8, dated the 15th March 1909, the Government of His Highness the Maharaja are pleased to prohibit from and after 1st July 1913, throughout the Mysore State, the sale of any medicated article containing Coca leaves, alkaloids of Coca, every other intoxicating drink or substance prepared from the Coca plant (*Erythroxylum Coca*) and all drugs synthetic or other, having a like physiological effect to that of Cocaine and all preparations and admixtures of any of the above, except under a license granted by the Deputy Commissioner;

Provided that this prohibition shall not be applicable to a medicated article declared by the Excise Commissioner in Mysore to be incapable of being used as an intoxicant.

2. Notifications Nos. Fl. 4128—S. R. 188-07-8, dated 15th March 1909, Fl. 4129—S. R. 188-07-7, dated the 15th March 1909, C. 129—S. R. 167-09-6, dated 15th June 1910 and Fl. 816—S. R. 167-09-8, dated the 12th August 1910, are hereby cancelled.

By Order,
K. R. SRINIVASIENGAR,
*Officiating Secretary to Government,
General and Revenue Departments.*



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[No. 6.]

BANGALORE, THURSDAY, FEBRUARY 6, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 1932---Police 133-11-11, dated 10th January 1913.

The Government of His Highness the Maharaja are pleased to direct that the annexed forms be substituted for license Forms Nos. IV and V appended to the Rules under the Mysore Arms Regulation published with Notification No. J. 1782—Pol. Mis. 65, dated the 26th December 1905.

By Order,

K. R. SRINIVASIENGAR,

*Officiating Secretary to Government, General
and Revenue Departments.*

Form No. IV.

(Vide Rule 15.)

Fee—Four annas for each weapon, payable in stamps.

License to possess arms or ammunition and to go armed for purposes of sport, protection or display.

1	2	3	4					5		
Serial number of license	Name of license-holder with particulars of residence	Arms or ammunition that licensee is entitled to possess		Retainers (if any) covered by the license				District or place within which the license is valid	Date on which the license expires	
		Description	Quantity	Name of retainer	Name of retainer's father	Address of retainer	Arms or ammunition that retainer is entitled to possess			
							Description			Quantity

The.....of.....19

(Signature)

Seal

Form of renewing the license.

Date and year of renewal	Date on which the renewed license expires	Signature of Magistrate

CONDITIONS.

1. This license is granted subject to the provisions of the Mysore Arms Regulation, 1890, and the Rules framed thereunder.

2. It covers only the persons named and the arms and ammunition described therein and such retainers (if any) as may be entered in column 4

3. It extends only to the place or district named therein, unless countersigned for other districts or the whole of the Mysore State by the Secretary to Government, General Department, or other officer authorised to countersign.

4. It authorises the holder or persons acting under it to go armed within the place or district named for *bona fide* prosecution of the purpose named on the license; but, unless specially authorised by the Magistrate, it does not permit the holder or persons aforesaid to go armed in Railway carriages or to fairs, religious processions or other public assemblages.

5. The license-holder, when purchasing any new arms or ammunition, shall have the following particulars endorsed upon his license under the vendor's signature:—

- (1) the name and address of the person who takes delivery of the articles purchased;
- (2) the nature and quantity of the articles purchased;
- (3) the date of purchase.

6. If any weapon covered by this license is lost or stolen, the license-holder shall at once give notice of the fact to the nearest police station.

N. B.—This condition may be omitted at the discretion of the Government.

7. The special attention of the license-holder is drawn to the following sections of the Regulation:—

Section 8.—No persons shall go armed with any arms, except under a license and to the extent and in the manner permitted thereby.

Any person so going armed without a license, or in contravention of its provisions, may be disarmed by any Magistrate, police officer or other person empowered by the Government of Mysore in this behalf by name or by virtue of his office.

Section 14.—Whoever commits any of the following offences (namely)—

- * * * * *
- (d) goes armed in contravention of the provisions of Section 8;
 - (e) has in his possession or under his control any arms, ammunition or military stores in contravention of the provisions of Section 9 or Section 10;

- * * * * *
- (h) fails to deposit arms, ammunition or military stores, as required by Section 11, shall be punished with imprisonment for a term which may extend to three years, or with fine or with both.

8. This license expires on 31st. December of the year or of the last year of the period as the case may be for which it is issued. The license-holder can have it renewed by filing an application for its renewal on stamped paper of the prescribed value.

9. This license does not empower the holder to employ fire arms in the pursuit of game, for which a separate license under the Mysore Game Regulation and Rules is necessary. In addition to conforming to the said Regulation and Rules, the license-holder is also bound to observe a close season, as prescribed by the Government, in respect of the undermentioned animals and birds which do no injury to men, cattle or crops:—

Specification of animals or birds

Close season

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Form V.

(Vide Rule 16.)

Fee—Four annas for each weapon, payable in stamps.

License to go armed on a journey.

1	2		3					4	5	6
Name, etc., of license-holder with particulars of his residence	Arms and ammunition covered by the license		Retainers (if any) covered by the license					Place of departure, route and destination of journey	Time which journey will probably take	Period for which the license is valid
	Description	Quantity	Name of retainer	Name of retainer's father	Address of retainer	Arms and ammunition that retainer is entitled to carry				
						Description	Quantity			

The.....191

Seal

(Signature)

.....Dt.

CONDITIONS.

1. This license is granted subject to the provisions of the Mysore Arms Regulation, 1890, and the Rules framed thereunder.

2. It covers only the persons named and the arms and ammunition described therein and such retainers (if any) as may be entered in column 3.

3. It is void after the expiration of the period named therein.

4. It does not permit holders to go armed in railway carriages, or to fairs, religious processions or other public assemblages.

5. The license-holder shall, at the time of purchase, have the following particulars endorsed upon his license by the vendor from whom he purchases and under the vendor's signature:—

(1) the name and address of the person who takes delivery of the articles purchased;

(2) the nature and quantity of the articles purchased;

(3) the date of purchase.

NOTIFICATION.

No. Fl. 3944—S. R. 33-12-3, dated Bangalore, 17th January 1913.

In exercise of the power conferred by Section 71 of the Mysore Excise Regulation, 1901, and in supersession of Government Notification No. Fl. 4128—S. R. 188-07-8, dated the 15th March 1909, the Government of His Highness the Maharaja are pleased to prohibit from and after 1st July 1913, throughout the Mysore State, the sale of any medicated article containing Coca leaves, alkaloids of Coca, every other intoxicating drink or substance prepared from the Coca plant (*Erythroxylum Coca*) and all drugs synthetic or other, having a like physiological effect to that of Cocaine and all preparations and admixtures of any of the above, except under a license granted by the Deputy Commissioner;

Provided that this prohibition shall not be applicable to a medicated article declared by the Excise Commissioner in Mysore to be incapable of being used as an intoxicant.

2. Notifications Nos. Fl. 4128—S. R. 188-07-8, dated 15th March 1909, Fl. 4129—S. R. 188-07-7, dated the 15th March 1909, C. 129—S. R. 167-09-6, dated 15th June 1910 and Fl. 816—S. R. 167-09-8, dated the 12th August 1910, are hereby cancelled.

By Order,
K. R. SRINIVASIENGAR,
*Officiating Secretary to Government,
General and Revenue Departments.*



The Mysore Gazette

Vol. 48.]

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[No. 9.

BANGALORE, THURSDAY, FEBRUARY 27, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 4810—S. R. 202-12-2, dated 25th February 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of Mysore are pleased to make the following changes in the Opium Rules, published under Notification No. 8198—Ex. F. 21-97, dated the 19th May 1900, and amended by Notifications Nos. 1243—Ex. F. 21-97 and Fl. 3923—S. R. 196-10-5, dated the 24th July 1901 and 16th March 1912, respectively:—

- (i) In rule II (ii) for "one tola" substitute "half a tola."
- (ii) In rule III i (b) for "one tola" substitute "half a tola."

By Order,
K. R. SRINIVASIENGAR,
Officiating Secretary to Government, General
and Revenue Departments.



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[No. 10.]

BANGALORE, THURSDAY, MARCH 6, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 4810---S. R. 202-12-2, dated 25th February 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of Mysore are pleased to make the following changes in the Opium Rules, published under Notification No. 8198—Ex. F. 21-97, dated the 19th May 1900, and amended by Notifications Nos. 1243—Ex. F. 21-97 and Fl. 3923—S. R. 196-10-5, dated the 24th July 1901 and 16th March 1912, respectively:—

- (i) In rule II (ii) for “one tola” substitute “half a tola.”
- (ii) In rule III i (b) for “one tola” substitute “half a tola.”

By Order,

K. R. SRINIVASIENGAR,

*Officiating Secretary to Government, General
and Revenue Departments.*



The Mysore Gazette

Vol. 48.]

PUBLISHED BY AUTHORITY.

[No. 11.]

BANGALORE, THURSDAY, MARCH 13, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 4810—S. R. 202-12-2, dated 25th February 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of Mysore are pleased to make the following changes in the Opium Rules, published under Notification No. 8198—Ex. F. 21-97, dated the 19th May 1900, and amended by Notifications Nos. 1243—Ex. F. 21-97 and Fl. 3923—S. R. 196-10-5, dated the 24th July 1901 and 16th March 1912, respectively:—

- (i) In rule II (ii) for "one tola" substitute "half a tola."
- (ii) In rule III i (b) for "one tola" substitute "half a tola."

By Order,
K. R. SRINIVASIENGAR,
*Officiating Secretary to Government, General
and Revenue Departments.*

No. 22—L. C., dated 12th March 1913.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Friday the 4th April 1913 at 12 noon.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.



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[No. 13.]

BANGALORE, THURSDAY, MARCH 27, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. J. 2740—Prisons, dated Bangalore, 14th March 1913.

Instances having come to the notice of Government in which supposed lunatics were taken by their relatives direct to the Lunatic Asylum, Bangalore, instead of through a Magistrate, the following rules for the reception and detention of lunatics in Asylums in Mysore published with Chief Commissioner's Notification No. 141, dated the 31st July 1874, with the additions made by Notification No. 196, dated the 4th August 1891, and by Government Order No. J. 2130-39.—Pris. 8-05-28, dated the 16th January 1908, are republished for general information.

By Order,

K. R. SRINIVASIENGAR,

*Officiating Secretary to Government,
General and Revenue Departments.*

Notification No. 141, dated the 31st July 1874.

The following Rules for the reception and detention of lunatics in asylums in Mysore having been sanctioned by the Government of India, Foreign Department, in letter No. 137 J., dated 23rd July 1874, are published for general information and guidance.

Rules for the Reception and Detention of Lunatics in the Province of Mysore.

WHEREAS it is expedient to make provision for the reception and detention of lunatics in asylums established for that purpose in the Mysore Province, the following rules having the force of law will come into, and be in, force in the said Province on and after the first day of April 1874.

1. The Chief Commissioner may, with the previous sanction of the Government of India, establish asylums for the reception and detention of lunatics at such places within the limits of the said Province as he thinks proper.
Establishment of lunatic asylums.
2. The management of every lunatic asylum and the care and custody of its inmates shall be regulated according to such rules as may from time to time be sanctioned by the Chief Commissioner. The Chief Commissioner shall appoint for every asylum not less than three visitors, one of whom at least shall be a Medical Officer. Every asylum shall be under the charge of a Medical Officer.
Rules for the management of such asylum.
3. Every officer in charge of a Police Station shall apprehend and send to a Magistrate all persons found wandering at large within his jurisdiction who are deemed to be lunatics and by reason of their lunacy are considered to be dangerous or incapable of taking care of themselves. Whenever any such person as aforesaid is brought before the Magistrate, and the Magistrate is satisfied, after inspecting such person and making any necessary enquiry, that he is a fit person to be detained in a lunatic asylum under care and treatment, he shall forward him, having detained him only so long as may be necessary for the purpose of enquiry, to a lunatic asylum, together with an order in the accompanying Form No. 1, and a statement of such of the particulars mentioned in the first ten columns of the accompanying Form No. II, as may have been elicited in the course of the enquiry. Provided that instead of sending such person to the lunatic asylum the Magistrate may make him over to the care of a friend or relative who undertakes in writing to the satisfaction of the Magistrate that he shall be taken proper care of and shall be prevented from doing injury to himself or to others.
Magistrates to send wandering lunatics to the asylum.
4. If it appear to a Magistrate on the report of a Police officer, or the information of any other person, that any person within the limits of his jurisdiction deemed to be a lunatic, is not under proper care and control, or is cruelly treated, or neglected by any relative, or other person having the charge of him, the Magistrate may send for the supposed lunatic, and summon such relative or other person as has or ought to have the charge of him; and if such relative or other person be legally bound to maintain the supposed lunatic, the Magistrate may make an order for such lunatic being properly cared for and treated; and, if such relative or other person wilfully neglects to comply with the said order, may commit him to jail for a period not exceeding one month. If there be no person legally bound to maintain the supposed lunatic, or if the Magistrate think fit so to do, he may proceed as prescribed in the last preceding section, and upon being satisfied in manner aforesaid that the person deemed to be a lunatic is a lunatic, and a proper person to be detained under care and treatment, may make an order for his reception into the lunatic asylum. It shall be the duty of every Police officer to report to the Magistrate every such case of neglect or cruel treatment as aforesaid which may come to his knowledge.
Magistrates to send neglected lunatics to the asylum, etc.
5. Whenever under Sections III and IV, a person deemed to be a lunatic is brought before a Magistrate who holds his Court at a place where no lunatic asylum is established, such Magistrate may direct his detention in the nearest Jail*, or Civil Hospital† pending the result of the enquiry required to be made under these rules, and of observations by a Medical Officer, and he shall, before sending such person to a lunatic asylum, take some medical evidence to show that such person is a lunatic, and a fit person to be kept in a lunatic asylum under care and treatment.
Where no asylum is established lunatics to be detained in jails pending enquiry.
6. Any Magistrate sending a lunatic to an asylum under the third or fourth of these rules may, if it appear to him, upon enquiry, that such lunatic has property applicable to his maintenance and more than sufficient to maintain his family, or that any person is legally bound to maintain and has the means of maintaining such lunatic, make an order for the recovery of the charges of the lodging, maintenance, clothing, medicine and care of such
Magistrates may make an order for recovery of maintenance of lunatic.

* † These words were inserted by Notification No. 196, dated 4th August 1891.

lunatic while detained in the asylum, out of such property or from such person. Such order shall be enforced in the same manner as a decree of a Civil Court passed in respect of the property or person therein mentioned.

7. The Medical Officer in charge of the lunatic asylum shall, on such person as aforesaid being sent to him under the third and fourth of these rules, cause all particulars concerning him, as far as they may be ascertainable, to be entered in a register to be kept in Form II hereto annexed, and shall also record in column 14 of the said register his own opinion whether such person is a lunatic and a fit person to be received and detained in the lunatic asylum. If such Medical Officer's opinion should be that such person as aforesaid is not a lunatic and a fit person to be detained in a lunatic asylum, he shall forthwith send an extract from the register to the Magistrate, whose duty it shall then be to direct his discharge either immediately or upon the order of the official visitors at their next meeting as provided for in Rule 11.

8. The Medical Officer in charge of a lunatic asylum shall receive and detain under proper care and treatment any person deemed to be a lunatic sent together with an application in Form II by any Civil Court adjudicating regarding the guardianship of such person under the "Rules relative to the custody and guardianship of minors, lunatics, idiots, etc.," dated 25th April 1872. The particulars concerning such person shall thereupon be entered in the register in Form No. II.

9. The Civil Court acting under Rule 7 shall make such arrangement as it may consider proper for the payment to the Medical Officer in charge of the lunatic asylum of the expenses of the lunatic received into the asylum under its orders or may, if it considers it proper, order that such lunatic shall be treated and cared for in the asylum at the cost of the Government.

10. When any relation or friend of a lunatic detained in an asylum under any of the foregoing rules is desirous that such lunatic be delivered over to his care and custody, he may apply to the Court or Magistrate, under whose order such lunatic is retained, and it shall be in the discretion of such Court or Magistrate, after communication with the Medical Officer in charge of the asylum, and upon an undertaking in writing by the applicant that the lunatic shall be properly taken care of and prevented from doing injury to himself or others, to direct that such lunatic be discharged from the asylum and made over to the care of the applicant.

11. Two or more of the official visitors, one of whom shall be a Medical Officer, shall meet and see, and as far as possible, examine the inmates of the lunatic asylum, once at least in every month. They may, by an order under their hands, direct the discharge of any person detained under any of the foregoing rules. Notice of such order shall immediately be sent to the Magistrate or Court under whose orders or upon whose application the lunatic may have been received. The official visitors shall enter in a book to be kept for that purpose, any remarks which they may deem proper to make in regard to the management and condition of the asylum and its inmates. This book shall be forwarded on 31st December of each year for the inspection of the Judicial Commissioner.

12. The Judicial Commissioner on being satisfied that any convict imprisoned in any Jail is a lunatic, may direct his removal to any lunatic asylum established within the Mysore Province to be kept there under treatment. The time during which such prisoner is so confined in the lunatic asylum shall be reckoned as part of the term of his imprisonment. When it appears to the Judicial Commissioner that such prisoner has become of sound mind, he shall remand the prisoner to the prison from which he was removed, if then still liable to be kept in custody; or if not, shall order him to be discharged.

13. Any person detained in a lunatic asylum under these rules, and escaping therefrom, may be retaken by any officer of such asylum or by any Police officer, and detained therein.

14. The word "Lunatic" as used in these rules, means and includes every person of unsound mind, and every person being an idiot. The word "Magistrate" means any Magistrate of the District, or any Magistrate of a Division of a District, or any first class Magistrate, and includes his successor or predecessor in office.

15. Nothing contained in these rules shall be taken to affect the provisions of Chapter 31 of Act X of 1872 (the Code of Criminal Procedure).
 Saving of the provisions of the Criminal Procedure Code, Chapter XXXI.

No. I.

To
The Officer in charge of the Lunatic Asylum at—

WHEREAS (here enter the name, previous occupation, place of residence, probable age and caste of the lunatic) appears upon due enquiry made by me to be a proper person to be kept in a lunatic asylum under care and treatment, this is to direct that under Section *—of the Rules for the reception and detention of lunatics in asylums, the said (name of the lunatic) be received into the lunatic asylum at—there to be kept under safe custody and proper care and treatment until discharged therefrom in due course of law.

No. II.

Register of persons received in the lunatic asylum at—(as modified by Government Order No. J. 2130-9—Pris. 8-05-28, dated 16th January 1908.

Number	Name of patient in full	Sex and age, whether married, single or widowed	Condition of life and previous occupation, and also the religious persuasion as far as known	Previous place of abode	Whether this is the first attack and age, if known on first attack	When and where previously under care and treatment	Whether subject to epilepsy, suicidal or dangerous to others, etc.	Duration of attack and supposed cause	Whether any member of patient's family has been or is affected with insanity	Date of admission into the asylum	Particulars and dates of the authority for admission, i.e., of order of any Magistrate or application of Civil Courts and section of the Rules under which admitted	Opinion of the Medical Officer in charge of the lunatic asylum on admission of the patient	How disposed of and date	At whose cost the patient is to be maintained while in the asylum and if at private cost to whom the bill for maintenance should be sent	Number and kind of property on the person and the address of the relatives, if any
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Note.—The application by Civil Courts, and the register in the asylum must contain the above particulars as far as possible.

Additional rules prescribed by Government Order No. J. 2130-39—Pris. 8-05-28, dated 16th January 1908, for the guidance of Magistrates in the matter of reception and detention of lunatics in asylums in the State:—

(1) Whenever a Magistrate directs observation by a Medical Officer or Officer in charge of a lunatic asylum, of a person who is alleged to be a lunatic, he shall forward to such officer a statement of such of the particulars mentioned in the

accompanying Form C as he may have elicited in the course of enquiry, and if he is unable to supply at once all or any of the information required by the said form, he shall forward the same subsequently, should he be able to collect them after due enquiry.

(2) If the Medical Officer or Officer in charge of the lunatic asylum, before whom the patient is sent for observation, finds him insane, he should fill in such of the columns of Form C as are left unfilled and which may be filled in without much difficulty and then return the same to the Magistrate along with the accompanying medical certificate Form A.

(3) If, on receipt of the medical certificate, Form A, and the medical sheet, Form C, the Magistrate is satisfied that the person is a lunatic, and sends him to an asylum, he shall at the same time forward to the asylum, the medical certificate and the medical sheet referred to above, together with an order in Form I as appended to Notification No. 141 of the 23rd July 1874, and a statement in Form II as at present modified with columns 15 and 16 also filled in.

(4) In the case of private patients, besides the forms already prescribed, a statement in accompanying Form B and an indemnity bond for securing payment for the patient's maintenance, should be obtained by the Magistrate from the relative or friend of the patient who desires him to be treated in the asylum and forward along with the patient.

FORM A.

Certificate of Medical Officer (see sub-sections IV and VIII).

I, the undersigned (here enter name and official designation), hereby certify that I, on the day of at , personally examined (here enter name and residence of lunatic), and that the said is a lunatic (or an idiot, or a person of unsound mind), and a proper person to be taken charge of, and detained under care and treatment, and that I have formed this opinion on the following grounds, namely:—

1. Facts indicating insanity observed by myself (here state the facts).
2. Other facts (if any) indicating insanity communicated to me by others (here state the information and from whom).

(Signed).....

FORM B.

Order for the reception of a private patient (see sub-section VII).

I, the undersigned, hereby request you to receive A, B, a lunatic (or an idiot, or a person of unsound mind), as a patient into your asylum. Subjoined is a statement respecting the said A, B.

(Signed) Name.

Occupation (if any).

Place of abode.

Degree of relationship (if any), or other circumstances of connection with the patient.

Dated this day of one thousand nine hundred and.....

To the Superintendent of the Asylum at (describing the asylum).

STATEMENT.

(If any of the particulars in the statement be not known the fact to be so stated.)

Name of patient, with Christian name at length.

Sex and age.

Married, single, or widowed.

Condition of life, and previous occupation (if any).

The religious persuasion, as far as known.

Previous place of abode.

Whether first attack.

Age (if known) on first attack.

When and where previously under care and treatment.

Duration of existing attack.

Supposed cause.

Whether subject to epilepsy.

Whether suicidal.

Whether dangerous to others.

Whether found lunatic by inquisition or enquiry, under order of Court, and date of commission or order for inquisition or enquiry.

Whether any member of patient's family has been, or is affected with insanity.

(Signed) Name.

When the person signing the statement is not the person who signs the order, the following particulars concerning the person signing the statement are to be added, namely:—

Occupation (if any).

Place of abode.

Degree of relationship (if any), or other circumstances of connection with the patient.

FORM C.

1. Name.
2. Age.
3. Sex.
4. Married or single.
5. Number of children.
6. Occupation.
7. Where born and residence.
8. Religion.
9. Whether first attack and duration of present attack.
10. Cause.
11. Whether hereditary or otherwise.
12. Habits and disposition.
13. Degree of education.
14. Natural affection, perverted or not.
15. Evidence of insanity as ascertained from the relatives or the police.
16. Dangerous to self or others or epileptic.
17. Previous treatment.
18. State of bodily health.
19. Any injuries from violence.

Dated 191 ..

Magistrate.



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BANGALORE, THURSDAY, APRIL 24, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. R. 5932—Agri. 3-12-4, dated the 18th April 1913.

The Government of His Highness the Maharaja of Mysore are pleased to direct the following amendment being made in the Rules framed under Section 10 of the Land Improvement Loans Regulation (No. IV of 1890) and Section 194 of the Land Revenue Code (Regulation IV of 1888), published with Notification No. R. 4319—Agri. 91-08-4, dated 2nd January 1909, in the *Mysore Gazette*, Extraordinary, dated the 4th January 1909 :—

Substitute the following for items (i), (ii), and (iii) of Rule V (B) :—

- | | | | |
|---|------|------|-----------|
| (i) for the purchase of seed ordinarily | .... | .... | 1 year. |
| ii) for the purchase of sugarcane and other seeds which cannot yield a return in one year | .... | .... | 2 years. |
| (iii) for the relief of distress | .... | .... | 3 years. |
| (iv) for the purchase of agricultural implements or machinery | .... | .... | 5 years. |
| (v) for any other purpose | | | 10 years. |

By Order,
K. R. SRINIVASIENGAR,
Officiating Secretary to Government,



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BANGALORE, THURSDAY, MAY 1, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 77—L. C., dated the 28th April 1913.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to amend the Mysore Mines Regulation, 1906, is published for general information together with a Statement of Objects and Reasons.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

A Bill to amend the Mysore Mines Regulation, 1906.

Whereas it is expedient to amend the Mysore Mines Regulation, 1906;
Preamble. His Highness the Maharaja is pleased to enact as follows:—

Substitution of a new section
for Section 17.

1. The following shall be substituted for Section 17, viz.,

“17. The Superintendent of Police for the Kolar Gold Fields may, by order in writing, direct any person, whose residence within such area as may be notified by Government from time to time is considered undesirable, to quit the said area within twenty-four hours and such person shall not, after the lapse of the said time, remain at or re-enter the said area without the permission of the said Superintendent of Police.”

Liability of undesirable person to be ordered off any mine or cooly colony.

An order passed under this section may be cancelled by the Superintendent of Police or by the District Magistrate.

Amendment of Section 18.

2: The last sentence of Section 18 beginning with the word "any" and ending with "19" shall be omitted.

Amendment of Section 19.

3. In Section 19 of the said Regulation, for the words "an offence" in the first line, the words "any act prohibited" shall be substituted.

Statement of Objects and Reasons.

Section 17 of the Regulation as it now stands gives power to a Superintendent of a Mine to order unemployed and undesirable persons to quit the area of the mine, and the District Superintendent of Police has authority to order such persons to quit the limits of Government Cooly Colonies. But it often happens that an undesirable person ordered by one Mine-Superintendent to quit his mine quietly transfers himself to the premises of another mine where he can safely stop till the Superintendent of that mine passes another order. In this manner the intention of the section can be indirectly and for a considerable length of time, evaded by the simple expedient of the person ordered to quit simply passing from the premises of one mine to another. The inconvenience was brought to the notice of the Government by the Mining Board and the Inspector-General of Police and it was suggested that the power to order undesirables to quit the mining area may be conferred on a single officer, *viz.*, the Superintendent of Police, Kolar Gold Fields, with jurisdiction over the entire mining area instead of its remaining with the several Superintendents of Mines with authority limited to the area of their respective mines.

The members of the Representative Assembly who were consulted in the matter had no objection to the adoption of the above suggestion.

Accepting this view Government propose to amend Section 17 of the Mines Regulation suitably.

The area within which orders passed under this amended section should be operative will be separately notified from time to time, as that course will be more convenient than including it in the Regulation itself.

The changes referred to in clauses 2 and 3 are only verbal. The former does away with certain words in Section 18 which are really unnecessary, *vide* Section 19.

No. J. 3295—Police 143-12-4, dated 30th April 1913.

In exercise of the powers conferred by Section 12 of the Mysore Arms Regulation, 1890, the Government of His Highness the Maharaja are pleased to direct that the following amendment be made in Rule 23 of the Mysore Arms Rules as published with Notification No. J. 1275—Police 219-10-15, dated the 5th November 1912:

In line 8 of the rule, between the words "Magistrate of the taluk" and the words "for one year at a time," insert the words "or by the magistrate of the Sub-Taluk."

The rule with the above amendment will read as follows:—

"Rule 23.—All licenses under Rule 13 shall expire on the 31st December of the year for which they may be issued. Licenses under Rule 15 shall expire on the 31st December of the year or of the last year of the period, as the case may be, for which they may be issued; and licenses under Rule 18 shall expire on the 31st December of the 5th year of their currency. But the currency of a license may be renewed, previous to its expiration and on payment of a second fee, by the same authority that granted it; and a license under Rule 15 may be renewed by the Magistrate of the Taluk or by the Magis-

trate of the Sub-Taluk for one year at a time, when not more than five years have elapsed since the issue or last renewal of the license by the Magistrate of the District or of the Sub-Division of the District, as the case may be ;

Provided always that, where a renewal of license is applied for as aforesaid, the period of its currency shall, whether the application is eventually granted or refused, be deemed to include the interval during which the application was pending disposal."

By Order,
K. R. SRINIVASIENGAR,
*Officiating Secretary to Government,
General and Revenue Departments.*



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BANGALORE, THURSDAY, MAY 22, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 79—L. C., dated the 28th April 1913.

Under Rule 31 of the Rules for the conduct of business of the Mysore Legislative Council, the following Bill to provide for the grant of probates of wills and letters of administration to the estates of certain deceased persons, is published for general information with the statement of objects and reasons.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

The Probate and Administration Bill.

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A Bill to provide for the grant of Probates of Wills and Letters of Administration to the Estates of certain deceased persons.

Whereas it is expedient to provide for the grant of probate of wills and letters of administration to the estates of deceased persons in cases to which the Indian Succession Act, 1865, as applied to Mysore by Government of India Notification, Foreign Department, No. 203, Judicial, dated 23rd July 1868, does not apply; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

1. This Regulation may be called
 Short title. "The Probate and Administration Regulation, 19 ."

It applies to the whole of Mysore.

Local extent.

And it shall come into force on the
 Commencement. first day of .

2. Chapters II to XIII, both inclusive, of this Regulation shall
 Personal applica- apply in the case of
 tion. every Hindu, Muham-
 madan, Buddhist and person exempted
 under section 332 of the Indian Succession Act, 1865, as applied to Mysore, dying before, on or after the said .

Provided that nothing herein contained shall be deemed to render invalid any transfer of property duly made before that day :

Provided also that no Court shall receive applications for probate or letters of administration until the Government has, by a notification in the official Gazette, authorized it so to do.

3. In this Regulation, unless there be something repugnant in the subject or context,—
 Interpretation-
 clause.

"minor" means any person who has not completed his age of eighteen years; and
 "minority:" "minority" means the status of any such person :

"will" means the legal declaration of the intentions of the testator, with respect to his property, which he desires to be carried into effect after his death:

"codicil" means an instrument made in relation to a will, and explaining, altering or adding to its dispositions. It is considered as forming an additional part of the will:

"specific legacy" means a legacy of specified property:

"demonstrative legacy" means a legacy directed to be paid out of specified property:

"probate" means the copy of a will certified under the seal of a Court of competent jurisdiction, with a grant of administration to the estate of the testator:

"executor" means a person to whom the execution of the last will of a deceased person is, by the testator's appointment, confided: and

"administrator" means a person appointed by competent authority to administer the estate of a deceased person when there is no executor.

CHAPTER II.

OF GRANT OF PROBATE AND LETTERS OF ADMINISTRATION.

4. The executor or administrator, as the case may be, of a deceased person, is his legal representative for all purposes, and all the property of the deceased person vests in him as such.

Section 179, Indian Succession Act, 1865.

But nothing herein contained shall vest in an executor or administrator any property of a deceased person which would otherwise have passed by survivorship to some other person.

5. When a will has been proved and deposited in a Court of competent jurisdiction situated beyond the limits of Mysore and a properly authenticated copy of the will is produced, letters of administration may be granted with a

Section 180, Indian Succession Act, 1865.

6. Probate can be granted only to an executor appointed by will. *Section 181, Indian Succession Act.*

7. The appointment may be express or by necessary implication. *Section 182, Indian Succession Act.*

Illustrations.

(a) A wills that C be his executor if B will not. B is appointed executor by implication.

(b) A gives a legacy to B and several legacies to other persons, among the rest to his daughter-in-law, C, and adds, "but should the within-named C be not living, I do constitute and appoint B my whole and sole executrix."

(c) A appoints several persons executors of his will and codicils, and his nephew my residuary legatee, and in another codicil are these words:—"I appoint my nephew my residuary legatee to discharge all lawful demands against my will and codicils, signed of different dates." The nephew is appointed an executor by implication.

8. Probate cannot be granted to any person who is a minor or is of unsound mind. *Section 183, Indian Succession Act.*

9. When several executors are appointed, probate may be granted to them all simultaneously or at different times. *Section 184, Indian Succession Act.*

Illustration.

A is an executor of B's will by express appointment, and C an executor of it by implication. Probate may be granted to A and C at the same time, or to A first and then to C, or to C first, then to A.

10. If a codicil be discovered after the grant of probate, a separate probate of that codicil may be granted to the executor, if it in no way repeals the appointment of executors made by the will. *Section 185, Indian Succession Act.*

If different executors are appointed by the codicil, the probate of the will must be revoked, and a new probate granted of the will and the codicil together.

11. When probate has been granted to several executors, and one of them dies, the entire representation of the testator accrues to the surviving executor or executors. *Section 186, Indian Succession Act.*

12. Probate of a will when granted establishes the will. *Section 188, Indian Succession Act.*

testator, and renders valid all intermediate acts of the executor as such.

13. Letters of administration cannot be granted to any person who is a minor or is of unsound mind.

To whom administration may not be granted.

Section 189, Indian Succession Act.

14. Letters of administration entitle the administrator to all rights belonging to the intestate as effectually as if the administration had been granted at the moment after his death.

Effect of letters of administration.

Section 191, Indian Succession Act.

15. Letters of administration do not render valid any intermediate acts of the administrator tending to the diminution or damage of the intestate's estate.

Acts not validated by administration.

Section 192, Indian Succession Act.

16. When a person appointed an executor has not renounced the executorship, letters of administration shall not be granted to any other person until a citation has been issued calling upon the executor to accept or renounce his executorship;

Grant of administration where executor has not renounced.

Section 193, Indian Succession Act.

except that, when one or more of several executors has or have proved a will, the Court may, on the death of the survivor of those who have proved, grant letters of administration without citing those who have not proved.

Exception.

17. The renunciation may be made orally in the presence of the Judge, or by a writing signed by the person renouncing, and when made shall preclude him from ever thereafter applying for probate of the will appointing him executor.

Form and effect of renunciation of executorship.

Section 194, Indian Succession Act.

18. If the executor renounce, or fail to accept, the executorship within the time limited for the acceptance or refusal thereof, the will may be proved and letters of administration with a copy of the will annexed may be granted to the person who would be entitled to administration in case of intestacy.

Procedure where executor renounces or fails to accept within time limited.

Section 195, Indian Succession Act.

19. When the deceased has made a will, but has not appointed an executor, or

Grant of administration to universal or residuary legatee.

Section 196, Indian Succession Act.

when he has appointed an executor who is legally incapable or refuses to act, or has died before the testator, or before he has proved the will, or

when the executor dies after having proved the will, but before he has administered all the estate of the deceased,

an universal or a residuary legatee may be admitted to prove the will, and letters of administration with the will annexed may be granted to him of the whole estate, or of so much thereof as may be unadministered.

20. When a residuary legatee who has a beneficial interest survives the testator, but dies before the estate has been fully administered, his representative has the same right to administration with the will annexed as such residuary legatee.

Section 197, Indian Succession Act.

21. When there is no executor and no residuary legatee or representative of a residuary legatee, or he declines or is incapable to act, or cannot be found, the person or persons who would be entitled to the administration of the estate of the deceased if he had died intestate, or any other legatee having a beneficial interest, or a creditor, may be admitted to prove the will, and letters of administration may be granted to him or them accordingly.

Section 198, Indian Succession Act.

22. Letters of administration with the will annexed shall not be granted to any legatee other than an universal or a residuary legatee, until a citation has been issued and published in the manner hereinafter mentioned, calling on the next-of-kin to accept or refuse letters of administration.

Section 199, Indian Succession Act.

23. When the deceased has died intestate, administration of his estate may be granted to any person who, according to the rules for the distribution of the estate of an intestate applicable in the case of such deceased, would be entitled to the whole or any part of such deceased's estate.

Sections 200-207, Indian Succession Act.

When several such persons apply for administration, it shall be in the discretion of the Court to grant it to any one or more of them.

When no such person applies, it may be granted to a creditor of the deceased.

CHAPTER III.

OF LIMITED GRANTS.

(a) Grants limited in Duration.

24. When the will has been lost or mislaid since the testator's death, or has been destroyed by wrong or accident and not by any act of the testator, and a copy or the draft of the will has been preserved, probate may be granted of such copy or draft, limited until the original or a properly authenticated copy of it be produced. *Section 208, Indian Succession Act.*

25. When the will has been lost or destroyed, and no copy has been made nor the draft preserved, probate may be granted of its contents, if they can be established by evidence. *Section 209, Indian Succession Act.*

26. When the will is in the possession of a person, residing out of Mysore, who has refused or neglected to deliver it up, but a copy has been transmitted to the executor, and it is necessary for the interests of the estate that probate should be granted without waiting for the arrival of the original, probate may be granted of the copy so transmitted, limited until the will or an authenticated copy of it be produced. *Section 210, Indian Succession Act.*

27. Where no will of the deceased is forthcoming, but there is reason to believe that there is a will in existence, letters of administration may be granted, limited until the will or an authenticated copy of it be produced. *Section 211, Indian Succession Act.*

(b) Grants for the Use and Benefit of Others having Right.

28. When any executor is absent from Mysore and there is no executor within Mysore willing to act, letters of administration with the will annexed may be granted to the agent of the absent executor, for the use and benefit of his principal, limited until he shall obtain probate or letters of administration granted to himself. *Section 212, Indian Succession Act.*

29. When any person to whom, if present, letters of administration with the will annexed might be granted, is absent from Mysore, letters of administration with the will annexed to attorney of absent person, who, if present, would be entitled to administer. *Section 213, Indian Succession Act.*

will annexed may be granted to his agent, limited as above mentioned.

30. When a person entitled to administration in case of intestacy is absent from Mysore, and no person equally entitled is willing to act, letters of administration may be granted to the agent of the absent person, limited as before-mentioned.

Section 214, Indian Succession Act.

31. When a minor is sole executor or sole residuary legatee, letters of administration with the will annexed may be granted to the legal guardian of such minor, or to such other person as the Court shall think fit, until the minor has attained his majority, at which period, and not before, probate of the will shall be granted to him.

Section 215, Indian Succession Act.

32. When there are two or more minor executors and no executor who has attained majority, or two or more residuary legatees and no residuary legatee who has attained majority, the grant shall be limited until one of them has attained his majority.

Section 216, Indian Succession Act.

33. If a sole executor or a sole universal or residuary legatee, or a person who would be solely entitled to the estate of the intestate according to the rule for the distribution of intestates' estates applicable in the case of the deceased, be a minor or lunatic, letters of administration with or without the will annexed, as the case may be, shall be granted to the person to whom the care of his estate has been committed by competent authority, or, if there be no such person, to such other person as the Court thinks fit to appoint, for the use and benefit of the minor or lunatic, until he attains majority or becomes of sound mind, as the case may be.

Section 217, Indian Succession Act.

34. Pending any suit touching the validity of the will of a deceased person, or for obtaining or revoking any probate or any grant of letters of administration, the Court may appoint an administrator of the estate of such deceased person, who shall have all the rights and powers of a general administrator, other than the right of distributing such estate; and every such administrator shall

Section 218, Indian Succession Act.

be subject to the immediate control of the Court and shall act under its direction:

(c) *For special Purposes.*

35. If an executor be appointed for any limited purpose specified in the will, the probate shall be limited to that purpose, and, if he should appoint an agent to take administration on his behalf, the letters of administration with the will annexed shall accordingly be limited.

Section 219, Indian Succession Act.

36. If an executor appointed generally give an authority to an attorney to prove a will on his behalf, and the authority is limited to a particular purpose, the letters of administration with the will annexed shall be limited accordingly.

Section 220, Indian Succession Act.

37. Where a person dies, leaving property of which he was the sole or surviving trustee, or in which he had no beneficial interest on his own account, and leaves no general representative, or one who is unable or unwilling to act as such, letters of administration, limited to such property, may be granted to the beneficiary, or to some other person on his behalf.

Section 221, Indian Succession Act.

38. When it is necessary that the representative of a person deceased be made a party to a pending suit, and the executor or person entitled to administration is unable or unwilling to act, letters of administration may be granted to the nominee of a party in such suit, limited for the purpose of representing the deceased in the said suit, or in any other suit which may be commenced in the same or in any other Court between the parties, or any other parties, touching the matters at issue in the said suit, and until a final decree shall be made therein and carried into complete execution.

Section 222, Indian Succession Act.

39. If, at the expiration of twelve months from the date of any probate or letters of administration, the executor or administrator to whom the same has or have been granted is absent from Mysore, the Court that has granted the probate or letters of administration may grant to any person whom it thinks fit letters of administration

Section 223, Indian Succession Act.

being made a party to a suit to be brought against the executor or administrator, and carrying the decree which may be made therein into effect.

40. In any case in which it appears necessary for preserving the property of a deceased person, the Court within whose district any of the property is situate may grant, to any person whom such Court thinks fit, letters of administration limited to the collection and preservation of the property of the deceased, and giving discharges for debts due to his estate, subject to the directions of the Court.

Section 224, Indian Succession Act.

41. When a person has died intestate, or leaving a will of which there is no executor willing and competent to act, or where the executor is, at the time of the death of such person, resident out of Mysore, and it appears to the Court to be necessary or convenient to appoint some person to administer the estate or any part thereof other than the person who under ordinary circumstances would be entitled to a grant of administration, the Judge may, in his discretion, having regard to consanguinity, amount of interest, the safety of the estate and probability that it will be properly administered, appoint such person as he thinks fit to be administrator;

Section 225, Indian Succession Act.

and in every such case letters of administration may be limited or not as the Judge thinks fit.

(d) Grants with Exception.

42. Whenever the nature of the case requires that an exception be made, probate of a will or letters of administration with the will annexed shall be granted subject to such exception.

Section 226, Indian Succession Act.

43. Whenever the nature of the case requires that an exception be made letters of administration shall be granted subject to such exception.

Section 227, Indian Succession Act.

(e) Grants of the Rest.

44. Whenever a grant with exception, of probate, or letters of administration with or without the will annex-

Section 228, Indian Succession Act.

ed, has been made, the person entitled to probate or administration of the remainder of the deceased's estate may take a grant of probate or letters of administration, as the case may be, of the rest of the deceased's estate.

(f) *Grants of Effects Unadministered.*

45. If the executor to whom probate has been granted has died leaving a part of the testator's estate unadministered, a new representative may be appointed for the purpose of administering such part of the estate. *Section 229, Indian Succession Act.*

46. In granting letters of administration of an estate not fully administered, the Court shall be guided by the same rules as apply to original grants, and shall grant letters of administration to those persons only to whom original grants might have been made. *Section 230, Indian Succession Act.*

47. When a limited grant has expired by effluxion of time, or the happening of the event or contingency on which it was limited, and there is still some part of the deceased's estate unadministered, letters of administration shall be granted to those persons to whom original grants might have been made. *Section 231, Indian Succession Act.*

CHAPTER IV.

ALTERATION AND REVOCATION OF GRANTS.

48. Errors in names and descriptions or in setting forth the time and place of the deceased's death, or the purpose in a limited grant, may be rectified by the Court, and the grant of probate or letters of administration may be altered and amended accordingly. *Section 232, Indian Succession Act.*

49. If, after the grant of letters of administration with the will annexed, a codicil be discovered, it may be added to the grant on due proof and identification, and the grant altered and amended accordingly. *Section 233, Indian Succession Act.*

50. The grant of probate or letters of administration may be revoked or annulled for just cause. *Section 234, Indian Succession Act.*

Revocation or annulment for just cause.

Explanation.—"Just cause" is—

1st, that the proceedings to obtain the grant were defective in substance;

2nd, that the grant was obtained fraudulently by making a false suggestion, or by concealing from the Court something material to the case;

3rd, that the grant was obtained by means of an untrue allegation of a fact essential in point of law to justify the grant, though such allegation was made in ignorance or inadvertently;

4th, that the grant has become useless and inoperative through circumstances;

5th, that the person to whom the grant was made has wilfully and without reasonable cause omitted to exhibit an inventory or account in accordance with the provisions of Chapter VII of this Regulation, or has exhibited under that Chapter an inventory or account which is untrue in a material respect.

Illustrations.

(a) The Court by which the grant was made had no jurisdiction.

(b) The grant was made without citing parties who ought to have been cited.

(c) The will of which probate was obtained was forged or revoked.

(d) A obtained letters of administration to the estate of B, as his widow, but it has since transpired that she was never married to him.

(e) A has taken administration to the estate of B, as if he had died intestate, but a will has since been discovered.

(f) Since probate was granted, a later will has been discovered.

(g) Since probate was granted, a codicil has been discovered which revokes or adds to the appointment of executors under the will.

(h) The person to whom probate was, or letters of administration were, granted, has subsequently become of unsound mind.

CHAPTER V.

OF THE PRACTICE IN GRANTING AND REVOKING PROBATES AND LETTERS OF ADMINISTRATION.

51. The District Judge shall have *Section 235, Indian Succession Act.*

Jurisdiction of District Judge in granting and revoking probates, etc. jurisdiction in granting and revoking probates and letters of administration in all

52. The Government may, from time to time, appoint such judicial officers within any district as it thinks fit to act for the District Judge as Delegates to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe : *Section 235 A, Indian Succession Act.*

Power to appoint Delegate of District Judge to deal with non-contentious cases.

to grant probate and letters of administration in non-contentious cases, within such local limits as it may from time to time prescribe :

Persons so appointed shall be called "District Delegates."

53. The District Judge shall have the like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any civil suit or proceeding depending in his Court. *Section 236, Indian Succession Act.*

District Judge's powers as to grant of probate and administration.

like powers and authority in relation to the granting of probate and letters of administration, and all matters connected therewith, as are by law vested in him in relation to any civil suit or proceeding depending in his Court.

54. The District Judge may order any person to produce and bring into Court any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person ; *Section 237, Indian Succession Act.*

District Judge may order person to produce testamentary papers.

person to produce and bring into Court any paper or writing being or purporting to be testamentary, which may be shown to be in the possession or under the control of such person ;

and if it be not shown that any such paper or writing is in the possession or under the control of such person, but there is reason to believe that he has the knowledge of any such paper or writing, the Court may direct him to attend for the purpose of being examined respecting the same,

and he shall be bound to answer such questions as may be put to him by the Court, and, if so ordered, to produce and bring in such paper or writing, and shall be subject to the like punishment under the Indian Penal Code, as in force in Mysore, in case of default in not attending or in not answering such questions or not bringing in such paper or writing, as he would have been subject to in case he had been a party to a suit, and had made such default,

and the costs of the proceeding shall be in the discretion of the Judge.

55. The proceedings of the Court of the District Judge, in relation to the granting of probate and letters of administration, shall, except as hereinafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the Code of Civil Procedure. *Section 238, Indian Succession Act.*

Proceedings of District Judge's Court in relation to probate and administration.

the District Judge, in relation to the granting of probate and letters of administration, shall, except as hereinafter otherwise provided, be regulated, so far as the circumstances of the case will admit, by the Code of Civil Procedure.

56. Probate of the will or letters of administration to the estate of a deceased person may be granted by the District Judge under the seal of his Court, if it appears by a petition, verified as hereinafter mentioned, of the person applying for the same that the testator or intestate, as the case may be, had at the time of his decease a fixed place of abode, or any property, moveable or immovable, within the jurisdiction of the Judge. *Section 240, Indian Succession Act.*

When probate or administration may be granted by District Judge.

57. When the application is made to the Judge of a district in which the deceased had no fixed abode at the time of his death, the Judge may in his discretion refuse the application, if in his judgment it could be disposed of more justly or conveniently in another district, or, where the application is for letters of administration, grant them absolutely, or limited to the property within his own jurisdiction. *Section 241, Indian Succession Act.*

Disposal of application made to Judge of district in which deceased had no fixed abode.

58. Probate and letters of administration may, upon application for that purpose to any District Delegate, be granted by him in any case in which there is no contention, if it appears by petition (verified as hereinafter mentioned) that the testator or intestate, as the case may be, at the time of his death had his fixed place of abode within the jurisdiction of such Delegate. *Section 241A, Indian Succession Act.*

Probate and letters of administration may be granted by Delegate.

59. Probate or letters of administration shall have effect over all the property, moveable or immovable of the deceased throughout Mysore, *Section 242, Indian Succession Act.*

Conclusiveness of probate or letters of administration.

and shall be conclusive as to the representative title against all debtors of the deceased. and all persons holding property which belongs to him,

and shall afford full indemnity to all debtors paying their debts, and all persons delivering up such property to the person to whom such probate or letters of administration shall have been granted.

60. The application for probate or letters of administration, if made and verified in the manner hereinafter mentioned, shall be conclusive for the purpose of authorizing the grant of pro- *Section 243, Indian Succession Act.*

Conclusiveness of application for probate or administration, if properly made and verified.

bate or administration, and no such grant shall be impeached by reason that the testator or intestate had no fixed place of abode, or no property within the district at the time of his death, unless by a proceeding to revoke the grant if obtained by a fraud upon the Court.

61. Application for probate or for

Section 244, Indian Succession Act.

Petition for probate. letters of administration with the will annexed shall be made by

a petition distinctly written in English or in the language in ordinary use in proceedings before the Court in which the application is made, with the will, or, in the cases mentioned in Sections 24, 25 and 26, a copy, draft or statement of the contents thereof, annexed, and stating—

the time of the testator's death,
that the writing annexed is his last will and testament, or as the case may be,

that it was duly executed,

the amount of assets which are likely to come to the petitioner's hands;

and, where the application is for probate, that the petitioner is the executor named in the will.

In addition to these particulars, the petition shall further state,

when the application is to the District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and,

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

62. In cases wherein the will, copy

Section 245, Indian Succession Act.

In what cases or draft is written in translation of will any language other than English, or Kannada, to be annexed to petition.

there shall be a translation thereof annexed to the petition by a translator of the Court, if the language be one for which a translator is appointed; or, if the will,

Verification of copy or draft be in any translation by person other than any person competent Court translator. to translate the same,

in which case such translation shall be verified by that person in the following manner:—

"I (A. B.) do declare that I read and perfectly understand the language and character of the original, and that the above is a true and accurate translation thereof."

63. Application for letters of administration shall be made by petition distinctly written as aforesaid, and stating—

Section 246, Indian Succession Act.

the time and place of the deceased's death,

the family or other relatives of the deceased, and their respective residences,

the right in which the petitioner claims,

the amount of assets which are likely to come to the petitioner's hands.

In addition to these particulars, the petition shall further state,

when the application is to a District Judge, that the deceased at the time of his death had a fixed place of abode or had some property situate within the jurisdiction of the Judge; and

when the application is to a District Delegate, that the deceased at the time of his death had a fixed place of abode within the jurisdiction of such Delegate.

64. The petition for probate or letters of administration shall in all cases be subscribed by the petitioner and his pleader, if any, and shall be verified by the petitioner in the following manner or to the like effect:—

Section 247, Indian Succession Act.

"I (A. B.), the petitioner in the above petition, declare that what is stated therein is true to the best of my information and belief."

65. Where the application is for probate, or for letters of administration with the will annexed, the petition shall also be verified by at least one of the witnesses to the will (when procurable), in the manner or to the effect following:—

Section 248, Indian Succession Act.

"I (C. D.), one of the witnesses to the last will and testament of the testator mentioned in the above petition, declare that I was present and saw the said testator affix his signature (or mark) thereto (as the case may be) (or that the said testator acknowledged the writing annexed to the above petition to be his last will and testament in my presence)."

66. If any petition or declaration which is hereby required to be verified contains any averment which the person making the verification knows or believes to be false, such person shall be subject to punishment according to the

Section 249, Indian Succession Act.

provisions of the law for the time being in force for the punishment of giving or fabricating false evidence.

67. In all cases it shall be lawful for *Section 250, Indian Succession Act.*

District Judge
may examine petitioner in person, the District Judge or District Delegate, if he thinks fit,

to examine the petitioner in person upon oath, and also

to require further evidence of the due execution of the will, require further or the right of the evidence, petitioner to the letters of administration, as the case may be, and

to issue citations calling upon all persons claiming to have any interest in the estate of the deceased to come and see the proceedings before the grant of probate or letters of administration.

The citation shall be fixed up in some conspicuous part of the

Publication of citation. Court-house, and also in the office of the

Deputy Commissioner of the district, and otherwise published or made known in such manner as the Judge or Delegate issuing the same may direct.

68. Caveats against the grant of *Section 251, Indian Succession Act.*

Caveats against grant of probate or administration may be lodged with the District Judge or a District Delegate;

and, immediately on any caveat being lodged with any District Delegate, he shall send a copy thereof to the District Judge;

and, immediately on a caveat being entered with the District Judge, a copy thereof shall be given to the District Delegate, if any, within whose jurisdiction it is alleged the deceased had his fixed place of abode at the time of his death, and to any other Judge or District Delegate to whom it may appear to the District Judge expedient to transmit the same.

69. The caveat shall be to the following effect:— *Section 252, Indian Succession Act.*

Form of caveat.

"Let nothing be done in the matter of the estate of A. B., late of , deceased, who died on the day of at , without notice to C. D. of

70. No proceeding shall be taken on *Section 253, Indian Succession Act.*

After entry of a petition for probate or letters of administration after a caveat against the grant thereof has been entered with

the application has been made, or notice thereof has been given of its entry with some other Delegate, until after such notice to the person by whom the same has been entered as the Court shall think reasonable.

71. A District Delegate shall not grant probate or letters of administration in any case in which there is contention as to the grant, or in which it otherwise appears to him that probate or letters of administration ought not to be granted in his Court.

Explanation.—By “contention” is understood the appearance of any one in person, or by his recognized agent, or by a pleader duly appointed to act on his behalf, to oppose the proceeding.

72. In every case in which there is no contention, but it appears to the District Delegate doubtful whether the probate or letters of administration should or should not be granted, or when any question arises in relation to the grant, or application for the grant, of any probate or letters of administration, the District Delegate may, if he thinks proper, transmit a statement of the matter in question to the District Judge, who may direct the District Delegate to proceed in the matter of the application, according to such instructions as to the Judge may seem necessary, or may forbid any further proceeding by the District Delegate in relation to the matter of such application, leaving the party applying for the grant in question to make application to the Judge.

73. In every case in which there is contention, or the District Delegate is of opinion that the probate or letters of administration should be refused in his Court, the petition, with any documents that may have been filed therewith, shall be returned to the person by whom the application was made, in order that the same may be presented to the District Judge;

unless the District Delegate thinks it necessary, for the purposes of justice, to impound the same, which he is hereby authorized to do; and in that case the same shall be sent by him to the District Judge.

Section 253 A, Indian Succession Act.

Section 253 B, Indian Succession Act.

Section 253 C, Indian Succession Act.

74. Whenever it appears to the Judge Grant of probate or District Delegate to be under seal of that probate of a will Court. should be granted, he shall grant the same under the seal of his Court in manner following:—

“I, _____, Judge of the District of _____, [or Delegate Form of such appointed for granting grant. probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the _____ day of _____ in the year _____ the last will of _____, late of _____, a copy whereof is hereunto annexed, was proved and registered before me, and that administration of the property and credits of the said deceased, and in any way concerning his will, was granted to _____, the executor in the said will named, he having undertaken to administer the same and to make a full and true inventory of the said property and credits and exhibit the same in this Court within six months from the date of this grant or within such further time as the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.

The _____ day of _____, 19 ____.”

75. Whenever it appears to the District Judge or District Delegate that letters of administration to the estate of a person deceased, with or without a copy of the will annexed, should be granted, he shall grant the same under the seal of his Court in manner following:—

“I, _____, Judge of the District of _____, [or Delegate Form of such appointed for granting grant. probate or letters of administration in (*here insert the limits of the Delegate's jurisdiction*)] hereby make known that on the _____ day of _____ letters of administration (with or without the will annexed, (*as the case may be*)) of the property and credits of _____, late of _____, deceased, were granted to _____, the father (or *as the case may be*) of the deceased, he having undertaken to administer the same, and to make a full and true inventory of the said property and credits, and exhibit the same in this Court within six months from the date of this grant or within such further time as

Section 254, Indian Succession Act.

Section 255, Indian Succession Act.

the Court may from time to time appoint, and also to render to this Court a true account of the said property and credits within one year from the same date or within such further time as the Court may from time to time appoint.

The day of 19 ."

76. Every person to whom any grant of letters of administration is committed, and, if the Judge so direct, any person to whom probate is granted, shall give a bond to the Judge of the District Court, to enure for the benefit of the Judge for the time being, with one or more surety or sureties, engaging for the due collection, getting in, and administering the estate of the deceased, which bond shall be in such form as the Judge from time to time by any general or special order directs.

Section 256, Indian Succession Act.

77. The Court may, on application made by petition and assignment of administration bond, on being satisfied that the engagement of any such bond has not been kept,

Section 257, Indian Succession Act.

and upon such terms as to security, or providing that the money received be paid into Court, or otherwise as the Court may think fit,

assign the same to some proper person, who shall thereupon be entitled to sue on the said bond in his own name as if the same had been originally given to him instead of to the Judge of the Court; and shall be entitled to recover thereon, as trustee for all persons interested, the full amount recoverable in respect of any breach thereof.

78. No probate of a will shall be granted until after the expiration of seven clear days, and no letters of administration shall be granted until after the expiration of fourteen clear days, from the day of the testator or intestate's death.

Section 258, Indian Succession Act.

79. Every District Judge and District Delegate shall file and preserve among the records of his Court all original wills of which probate or letters of administration with the will annexed may be granted by him;

Section 259, Indian Succession Act.

and the Government shall make regulations for the preservation and inspection of the wills so filed as aforesaid.

80. After any grant of probate or letters of administration, no other than the person to whom the same shall have been granted shall have power to sue or prosecute any suit, or otherwise act as representative of the deceased, throughout Mysore, until such probate or letters of administration shall have been recalled or revoked.

Section 260, Indian Succession Act.

81. In any case before the District Judge in which there is contention, the proceedings shall take, as nearly as may be, the form of a suit, according to the provisions of the Code of Civil Procedure, in which the petitioner for probate or letters of administration, as the case may be, shall be the plaintiff, and the person who may have appeared as aforesaid to oppose the grant shall be the defendant.

Section 261, Indian Succession Act.

82. Where any probate is, or letters of administration are, revoked, all payments *bond fide* made to any executor or administrator or under such probate or administration before the revocation thereof shall, notwithstanding such revocation, be a legal discharge to the person making the same;

Section 262, Indian Succession Act.

and the executor or administrator who shall have acted under any such revoked probate or administration may retain and reimburse himself out of the assets of the deceased in respect of any payments made by him which the person to whom probate or letters of administration shall be afterwards granted might have lawfully made.

83. Notwithstanding anything hereinbefore contained, it shall be in the discretion of the Court to make an order refusing, for reasons to be recorded by it in writing, to grant any application for letters of administration made under the Regulation.

Section 263, Indian Succession Act.

84. Every order made by a District Judge or District Delegate by virtue of the powers hereby conferred upon him shall be subject to appeal to the Chief Court under the rules contained in the Code of Civil Procedure applicable to appeals.

Appeals from orders of District Judge.

85. The Chief Court shall have concurrent jurisdiction with the District Judge in the exercise of all the powers hereby conferred upon the District Judge.

Section 264, Indian Succession Act.

CHAPTER VI.

OF THE POWERS OF AN EXECUTOR OR ADMINISTRATOR.

86. An executor or administrator has the same power to sue in respect of all causes of action that survive the deceased, and may exercise the same powers for the recovery of debts due to him at the time of his death as the deceased had when living.

Section 267, Indian Succession Act.

87. All demands whatsoever, and all rights to prosecute or defend any suit or other proceeding, existing in favour of or against a person at the time of his decease, survive to and against his executors or administrators, except causes of action for defamation, assault as defined in the Indian Penal Code as in force in Mysore, or other personal injuries not causing the death of the party, and except also cases where, after the death of the party, the relief sought could not be enjoyed, or granting it would be nugatory.

Section 268, Indian Succession Act.

Illustration.

A collision takes place on a railway in consequence of some neglect or default of the officials, and a passenger is severely hurt, but not so as to cause death. He afterwards dies without having instituted any suit. The cause of action does not survive.

88. (1) An executor or administrator has, subject to the provisions of this section, power to dispose, as he thinks fit, of all or any of the property for the time being vested in him under Section 4.

Section 269, Indian Succession Act.

(2) The power of an executor to dispose of immoveable property so vested in him is subject to any restriction which may be imposed in this behalf by the will appointing him, unless probate has been granted to him and the Court which

order in writing, notwithstanding the restriction, to dispose of any immoveable property specified in the order in a manner permitted by the order.

(3) An administrator may not, without the previous permission of the Court by which the letters of administration were granted,—

(a) mortgage, charge or transfer by sale, gift, exchange or otherwise any immoveable property for the time being vested in him under Section 4, or

(b) lease any such property for a term exceeding five years.

(4) A disposal of property by an executor or administrator in contravention of sub-section (2) or sub-section (3), as the case may be, is voidable at the instance of any other person interested in the property.

(5) Before any probate or letters of administration is or are granted under this Regulation there shall be endorsed thereon or annexed thereto a copy of sub-sections (1), (2) and (4), or of sub-sections (1), (3) and (4), as the case may be.

(6) A probate or letters of administration shall not be rendered invalid by reason of the endorsement or annexure required by the last foregoing sub-section not having been made thereon or attached thereto, nor shall the absence of such an endorsement or annexure authorize an executor or administrator to act otherwise than in accordance with the provisions of this section.

89. If an executor or administrator

Section 270, Indian Succession Act.

Purchase by executor or administrator of deceased's property. purchases, either directly or indirectly, any part of the property of the deceased, the sale is voidable at the instance of any other person interested in the property sold.

90. When there are several execu-

Section 271, Indian Succession Act.

Powers of several executors or administrators exercisable by one. tors or administrators, the powers of all may, in the absence of any direction to the contrary in will or grant of letters of administration, be exercised by any one of them who has proved the will or taken out administration.

Illustrations.

(a) One of several executors has power to release a debt due to the deceased.

(b) One has power to surrender a lease.

(c) One has power to sell the property of

(d) One has power to assent to a legacy.

(e) One has power to endorse a promissory note payable to the deceased.

(f) The will appoints A, B, C and D to be executors, and directs that two of them shall be a quorum. No act can be done by a single executor.

91. Upon the death of one or more

Section 272, Indian Succession Act.

Survival of powers on death of one of several executors or administrators. of several executors or administrators, all the powers of the office become, in the absence of any direction to the contrary in the will or grant of letters of administration, vested in the survivors or survivor.

92. The administrator of effects un-

Section 273, Indian Succession Act.

Powers of administrator of effects unadministered. administered has, with respect to such effects, the same powers as the original executor or administrator.

93. An administrator during minority

Section 274, Indian Succession Act.

Powers of administrator during minority. has all the powers of an ordinary administrator.

94. When probate or letters of ad-

Section 275, Indian Succession Act.

Powers of married executrix or administratrix. ministration shall have been granted to a married woman, she has all the powers of an ordinary executor or administrator.

CHAPTER VII.

OF THE DUTIES OF AN EXECUTOR OR ADMINISTRATOR.

95. It is the duty of an executor to

Section 276, Indian Succession Act.

As to deceased's funeral ceremonies. provide funds for the performance of the necessary funeral ceremonies of the deceased in a manner suitable to his condition, if he has left property sufficient for the purpose.

96. (1) An executor or administra-

Section 277, Indian Succession Act.

Inventory and account. tor shall, within six months from the grant of probate or letters of administration, or within such further time as the Court which granted the probate or letters may from time to time appoint, exhibit in that Court an inventory containing a full and true estimate of all the property in possession, and all the credits, and also all the debts owing by any person to which the executor or administrator is entitled in that character,

and shall in like manner, within one year from the grant or within such further time as the said Court may from time to time appoint, exhibit an account of the estate, showing the assests which have come to his hands and the manner in which they have been applied or disposed of.

(2) The Chief Court may from time to time prescribe the form in which an inventory or account under this section is to be exhibited.

(3) If an executor or administrator, on being required by the Court to exhibit an inventory or account under this section, intentionally omits to comply with the requisition, he shall be deemed to have committed an offence under Section 176 of the Indian Penal Code, as in force in Mysore.

(4) The exhibition of an intentionally false inventory or account under this section shall be deemed to be an offence under Section 193 of that Code.

97. The executor or administrator shall collect, with reasonable diligence, the property of the deceased and the debts that were due to him at the time of his death.

Section 278, Indian Succession Act.

98. Funeral expenses to a reasonable amount, according to the degree and quality of the deceased, and death-bed charges, including fees for medical attendance, and board and lodging for one month previous to his death, are to be paid before all debts.

Section 279, Indian Succession Act.

99. The expenses of obtaining probate or letters of administration, including the costs incurred for or in respect of any judicial proceedings that may be necessary for administering the estate, or to be paid next after the funeral expenses and death-bed charges.

Section 280, Indian Succession Act.

100. Wages due for services rendered to the deceased within three months next preceding his death by any labourer, artizan or domestic servant are next to be paid, and then the other debts of the deceased according to their respective priorities (if any).

Section 281, Indian Succession Act.

101. Save as aforesaid, no creditor is to have a right of priority over another. *Section 282, Indian Succession Act.*

Save as aforesaid, all debts to be paid equally and rateably.

But the executor or administrator shall pay all such debts as he knows of, including his own, equally and rateably, as far as the assets of the deceased will extend.

102. Debts of every description must be paid before any legacy. *Section 285, Indian Succession Act.*

Debts to be paid before legacies.

103. If the estate of the deceased is subject to any contingent liabilities, an executor or administrator is not bound to pay any legacy without a sufficient indemnity to meet the liabilities whenever they may become due. *Section 286, Indian Succession Act.*

Executor or administrator not bound to pay legacies without indemnity.

104. If the assets, after payment of debts, necessary expenses and specific legacies, are not sufficient to pay all the general legacies in full, the latter shall abate or be diminished in equal proportions; *Section 287, Indian Succession Act.*

Abatement of general legacies.

and, in the absence of any direction to the contrary in the will, the executor has no right to pay one legatee in preference to another, nor to retain any money on account of a legacy to himself or to any person for whom he is a trustee.

Executor not to pay one legatee in preference to another.

105. Where there is a specific legacy, and the assets are sufficient for the payment of debts and necessary expenses, the thing specified must be delivered to the legatee without any abatement. *Section 288, Indian Succession Act.*

Non-abatement of specific legacy when assets sufficient to pay debts.

106. Where there is a demonstrative legacy, and the assets are sufficient for the payment of debts and necessary expenses, the legatee has a preferential claim for payment of his legacy out of the fund from which the legacy is directed to be paid until such fund is exhausted, and if, after the fund is exhausted, part of the legacy still remains unpaid, he is entitled to rank for the remainder against the general assets as for a legacy of the amount of such unpaid remainder. *Section 289, Indian Succession Act.*

Right under demonstrative legacy when assets sufficient to pay debts and necessary expenses.

107. If the assets are not sufficient to answer the debts and the specific legacies, an abatement shall be made from the latter rateably in proportion to their respective amounts.

Rateable abatement of specific legacies.

Section 290, Indian Succession Act.

Illustration.

A has bequeathed to B a diamond ring, valued at 500 rupees, and to C a horse, valued at 1,000 rupees. It is found necessary to sell all the effects of the testator, and his assets, after payment of debts, are only 1,000 rupees. Of this sum rupees 333-5-4 are to be paid to B, and rupees 666-10-8 to C.

108. For the purpose of abatement, a legacy for life, a sum appropriated by the will to produce an annuity, and the value of an annuity when no sum has been appropriated to produce it, shall be treated as general legacies.

Legacies treated as general for purpose of abatement.

Section 291, Indian Succession Act.

CHAPTER VIII.

OF THE EXECUTOR'S ASSENT TO A LEGACY.

109. The assent of the executor is necessary to complete a legatee's title to his legacy.

Assent necessary to complete legatee's title.

Section 292, Indian Succession Act.

Illustrations.

(a) A by his will bequeaths to B his Government paper, which is in deposit with the Bank of Bengal. The Bank has no authority to deliver the securities, nor B a right to take possession of them, without the assent of the executor.

(b) A by his will has bequeathed to C his house in Calcutta in the tenancy of B. C is not entitled to receive the rents without the assent of the executor.

110. The assent of the executor to a specific bequest shall be sufficient to divest his interest as executor therein and to transfer the subject of the bequest to the legatee, unless the nature of the circumstances of the property require that it shall be transferred in a particular way.

Effect of executor's assent to specific legacy.

Section 293, Indian Succession Act.

This assent may be verbal, and it may be either express or implied from the conduct of the executor.

Nature of assent.

Illustrations.

(a) A horse is bequeathed. The executor requests the legatee to dispose of it, or a third party purposes to purchase the horse from the executor, and he directs him to apply to the legatee. Assent to the legacy is implied.

(b) The interest of a fund is directed by the will to be applied for the maintenance of the legatee during his minority. The executor commences so to apply it. This is an assent to the whole of the bequest.

(c) A bequest is made of a fund to A, and after him to B. The executor pays the interest of the fund to A. This is an implied assent to the bequest to B.

(d) Executors die after paying all the debts of the testator, but before satisfaction of specific legacies. Assent to the legacies may be presumed.

(e) A person to whom a specific article has been bequeathed takes possession of it and retains it without any objection on the part of the executor. His assent may be presumed.

111. The assent of an executor to a legacy may be conditional, and if the condition be one which he has a right to enforce, and it is not performed, there is no assent. *Section 294, Indian Succession Act.*

Illustrations.

(a) A bequeaths to B his lands of Sultanpur, which at the date of the will, and at the death of A, were subject to a mortgage for 10,000 rupees. The executor assents to the bequest on condition that B shall within a limited time pay the amount due on the mortgage at the testator's death. The amount is not paid. There is no assent.

(b) The executor assents to a bequest on condition that the legatee shall pay him a sum of money. The payment is not made. The assent is nevertheless valid.

112. When the executor is a legatee, his assent to his own legacy is necessary to complete his title to it, in the same way as it is required when the bequest is to another person, and his assent may in like manner be express or implied. *Section 295, Indian Succession Act.*

Assent of executor to his own legacy. Assent shall be implied if in his manner of administering the property he does any act which is referable to his character of legatee and is not referable to his character of executor.

Illustration.

An executor takes the rent of a house or the interest of Government securities bequeathed to him, and applies it to his own use. This is assent.

113. The assent of the executor to a legacy gives effect to it from the death of the testator. *Section 296, Indian Succession Act.*
- Effect of executor's assent.

Illustrations.

(a) A legatee sells his legacy before it is assented to by the executor. The executor's subsequent assent operates for the benefit of the purchaser, and completes his title to the legacy.

(b) A bequeaths 1,000 rupees to B with interest from his death. The executor does not assent to this legacy until the expiration of a year from A's death. B is entitled to interest from the death of A.

114. An executor is not bound to pay or deliver any legacy until the expiration of one year from the testator's death. *Section 297, Indian Succession Act.*
- Executor when to deliver legacies.

Illustration.

A by his will directs his legacies to be paid within six months after his death. The executor is not bound to pay them before the expiration of a year.

CHAPTER IX.

OF THE PAYMENT AND APPORTIONMENT OF ANNUITIES.

115. Where an annuity is given by the will, and no time is fixed for its commencement, it shall commence from the testator's death, and the first payment shall be made at the expiration of a year next after that event. *Section 298, Indian Succession Act.*
- Commencement of annuity when no time fixed by will.

116. Where there is a direction that the annuity shall be paid quarterly or monthly, the first payment shall be due at the end of the first quarter or first month, as the case may be, after the testator's death, and shall, if the executor think fit, be paid when due; but the executor shall not be bound to pay it till the end of the year. *Section 299, Indian Succession Act.*
- When annuity, to be paid quarterly or monthly, first falls due.

117. Where there is a direction that the first payment of an annuity shall be made within one month or any other division of time from the death of the testator, or on a *Section 300, Indian Succession Act.*
- Date of successive payments when first payment directed to be made within given time, or on day certain.

day certain, the successive payments are to be made on the anniversary of the earliest day on which the will authorizes the first payment to be made;

and, if the annuitant dies in the interval between the times of payment, an apportionment where annuitant dies between times of payment. the annuity shall be paid to his representative.

CHAPTER X.

OF THE INVESTMENT OF FUNDS TO PROVIDE FOR LEGACIES.

118. Where a legacy, not being a specific legacy, is given for life, the sum bequeathed shall at the end of the year be invested in such securities as the Chief Court may, by any general rule to be made from time to time, authorize or direct, and the proceeds thereof shall be paid to the legatee as the same shall accrue due.

Section 301, Indian Succession Act.

119. Where a general legacy is given to be paid at a future time, the executor shall invest a sum sufficient to meet it in securities of the kind mentioned in the last preceding section.

Section 302, Indian Succession Act.

The intermediate interest shall form part of the residue of the testator's estate.

120. Where an annuity is given and no fund is charged with its payment or appropriated by the will to answer it, a sum sufficient to produce the annuity shall be invested for that purpose in such securities as the Chief Court may, by any general rule to be made from time to time, authorize or direct.

Section 303, Indian Succession Act.

121. Where a bequest is contingent, the executor is not bound to invest the amount of the legacy, but may transfer the whole residue of the estate to the residuary legatee (if any) on his giving sufficient security for the payment of the legacy if it shall become due.

Section 304, Indian Succession Act.

122. Where the testator has be-

Investment of residue bequeathed for life, with direction to invest in specified securities.

queathed the residue of his estate to a person for life with a direction that it shall be invested in certain specified securities, so much of the estate as is not at the time of his death invested in securities of the specified kind shall be converted into money and invested in such securities.

Section 306, Indian Succession Act.

123. Such conversion and investment

Time and manner of conversion and investment.

as are contemplated by the last preceding section shall be made at such times and in such

manner as the executor in his discretion thinks fit ;

Section 307, Indian Succession Act.

and, until such conversion and invest-

Interest payable until investment.

ment shall be completed, the person who would be for the time

being entitled to the income of the fund when so invested shall receive interest at the rate of six per cent per annum upon the market-value (to be computed as of the date of the testator's death) of such part of the fund as shall not yet have been so invested.

124. Where, by the terms of a be-

Procedure where minor entitled to immediate payment or possession of bequest, and no direction to pay to person on his behalf.

quest, the legatee is entitled to the immediate payment or possession of the money or thing bequeathed, but is a minor, and there is no direction in the will to

Section 308, Indian Succession Act.

pay it to any person on his behalf, the executor or administrator shall pay or deliver the same into the Court of the District Judge by whom, or by whose District Delegate, the probate was, or letters of administration with the will annexed were, granted, to the account of the legatee, and such payment into the Court of the District Judge shall be a sufficient discharge for the money so paid ;

and such money, when paid in, shall be invested in the purchase of such securities, as the Chief Court may by general rule direct, which, with the interest thereon, shall be transferred or paid to the person entitled thereto, or otherwise applied for his benefit, as the Judge may direct.

CHAPTER XI.

Section 309, Indian Succession Act.

OF THE PRODUCE AND INTEREST OF
LEGACIES.

125. The legatee of a specific legacy is entitled to the clear produce thereof, if any, from the testator's death.

Legatee's title to produce of specific legacy.

Exception.—A specific bequest, contingent in its terms, does not comprise the produce of the legacy between the death of the testator and the vesting of the legacy. The clear produce of it forms part of the residue of the testator's estate.

Illustrations.

(a) A bequeaths his flock of sheep to B. Between the death of A and delivery by his executor the sheep are shorn, or some of the ewes produce lambs. The wool and lambs are the property of B.

(b) A bequeaths his Government securities to B, but postpones the delivery of them till the death of C. The interest which falls due between the death of A and the death of C belongs to B, and must, unless he is a minor, be paid to him as it is received.

(c) The testator bequeaths all his four per cent Government promissory notes to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the notes, but the interest which accrues in respect of them, between the testator's death and A's completing 18, forms part of the residue.

126. The legatee under a general residuary bequest is entitled to the produce of the residuary fund from the testator's death.

Residuary legatee's title to produce of residuary fund.

Exception.—A general residuary bequest contingent in its terms does not comprise the income which may accrue upon the fund bequeathed between the death of the testator and the vesting of the legacy. Such income goes as undisposed of.

Illustrations.

(a) The testator bequeaths the residue of his property to A, a minor, to be paid to him when he shall complete the age of 18. The income from the testator's death belongs to A.

(b) The testator bequeaths the residue of his property to A when he shall complete the age of 18. A, if he complete that age, is entitled to receive the residue. The income which has accrued in respect of it since the testator's death goes as undisposed of.

Section 310, Indian Succession Act.

127. Where no time has been fixed *Section 311, Indian Succession Act.*

Interest when no time fixed for the payment of a general legacy, interest begins to run from the expiration of one year from the testator's death.

Exceptions.—(1) Where the legacy is bequeathed in satisfaction of a debt, interest runs from the death of the testator.

(2) Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, the legacy shall bear interest from the death of the testator.

(3) Where a sum is bequeathed to a minor, with a direction to pay for his maintenance out of it, interest is payable from the death of the testator.

128. Where a time has been fixed for *Section 312, Indian Succession Act.*

Interest when time fixed. the payment of a general legacy, interest begins to run from the time so fixed. The interest up to such time forms part of the residue of the testator's estate.

Exception.—Where the testator was a parent or a more remote ancestor of the legatee, or has put himself in the place of a parent of the legatee, and the legatee is a minor, the legacy shall bear interest from the death of the testator, unless a specific sum is given by the will for maintenance, or unless the will contains a direction to the contrary.

129. The rate of interest shall be six *Section 313, Indian Succession Act.*

Rate of interest. per cent per annum.

130. No interest is payable on the *Section 314, Indian Succession Act.*

No interest on arrears of annuity within first year after testator's death. arrears of an annuity within the first year from the death of the testator, although a period earlier than the expiration of that year may have been fixed by the will for making the first payment of the annuity.

131. Where a sum of money is directed *Section 315, Indian Succession Act.*

Interest on sum to be invested to produce annuity. to be invested to produce an annuity, interest is payable on it from the death of the testator.

CHAPTER XII.

OF THE REFUNDING OF LEGACIES.

132. An executor who has paid a *Section 316, Indian Succession Act.*

Refund of legacy paid under Judge's orders. legacy under the order of a Judge is entitled to call upon the legatee to refund in the event

of the assets proving insufficient to pay all the legacies.

133. When an executor has voluntarily paid a legacy, he cannot call upon a legatee to refund in the event of the assets proving insufficient to pay all the legacies. *Section 317, Indian Succession Act.*

No refund if paid voluntarily.

134. When the time prescribed by the will for the performance of a condition has elapsed, without the condition having been performed, and the executor has thereupon, without fraud, distributed the assets, in such case, if further time has, under the second clause of this section, been allowed for the performance of the condition, and the condition has been performed accordingly, the legacy cannot be claimed from the executor, but those to whom he has paid it are liable to refund the amount. *Section 318, Indian Succession Act.*

Refund when legacy becomes due on performance of condition within further time allowed.

Where the will requires an act to be performed by the legatee within a specified time, either as a condition to be fulfilled before the legacy is enjoyed, or as a condition upon the non-fulfilment of which the subject-matter of the bequest is to go over to another person, or the bequest is to cease to have effect, the act must be performed within the time specified, unless the performance of it be prevented by fraud, in which case such further time shall be allowed as is requisite to make up for the delay caused by such fraud. *Section 124, Indian Succession Act.*

135. When the executor has paid away the assets in legacies, and he is afterwards obliged to discharge a debt of which he had no previous notice, he is entitled to call upon each legatee to refund in proportion. *Section 319, Indian Succession Act.*

When each legatee compellable to refund in proportion.

136. Where an executor or administrator has given such notices as the Chief Court may, by any general rule to be made from time to time, prescribe, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claim, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person, of whose claim he has not had notice at the time of such distribution; *Section 320, Indian Succession Act.*

Distribution of assets.

general rule to be made from time to time, prescribe, for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claim, be at liberty to distribute the assets, or any part thereof, in discharge of such lawful claims as he knows of, and shall not be liable for the assets so distributed to any person, of whose claim he has not had notice at the time of such distribution;

but nothing herein contained shall prejudice the right of any creditor or claimant to follow the assets, or any part thereof, in the hands of the persons who may have received the same respectively.

137. A creditor who has not received payment of his debt may call upon a legatee who has received payment of his legacy to refund whether the assets of the testator's estate were or were not sufficient at the time of his death to pay both debts and legacies, and whether the payment of the legacy by the executor was voluntary or not.

Section 321, Indian Succession Act.

138. If the assets were sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy or who has been compelled to refund, under the last preceding section, cannot oblige one who has received payment in full to refund, whether the legacy were paid to him with or without suit, although the assets have subsequently become deficient by the wasting of the executor.

Section 322, Indian Succession Act.

139. If the assets were not sufficient to satisfy all the legacies at the time of the testator's death, a legatee who has not received payment of his legacy must, before he can call on a satisfied legatee to refund, first proceed against the executor if he is solvent; but if the executor is insolvent or not liable to pay, the unsatisfied legatee can oblige each satisfied legatee to refund in proportion.

Section 323, Indian Succession Act.

140. The refunding of one legatee to another shall not exceed the sum by which the satisfied legacy ought to have been reduced if the estate had been properly administered.

Section 324, Indian Succession Act.

Illustration.

A has bequeathed 240 rupees to B, 480 rupees to C, and 720 rupees to D. The assets are only 1,200 rupees, and if properly administered would give 200 rupees to B, 400 rupees to C, and 600 rupees to D. C and D have been paid their legacies in full, leaving nothing to B. B can oblige C to refund 80 rupees, and D to

141. The refunding shall, in all cases, be without interest. *Section 325, Indian Succession Act.*
 Refunding to be without interest.

142. The surplus or residue of the deceased's property, after payment of debts and legacies, shall be paid to the residuary legatee when any has been appointed by the will. *Section 326, Indian Succession Act.*
 Residue after usual payments to be paid to residuary legatee.

143. Where a person not having his domicile in Mysore has died leaving assets both in Mysore and in the country in which he had his domicile at the time of his death, *Section 326A, Indian Succession Act.*
 Transfer of assets from Mysore to executor or administrator in country of domicile for distribution.

and there have been a grant of probate or letters of administration in Mysore with respect to the assets there and a grant of administration in the country of domicile with respect to the assets in that country the executor or administrator, as the case may be, in Mysore after having given such notices as are mentioned in Section 136 and after having discharged, at the expiration of the time therein named, such lawful claims as he knows of,

may, instead of himself distributing any surplus or residue of the deceased's property to persons residing out of Mysore who are entitled thereto, transfer, with the consent of the executor or administrator, as the case may be, in the country of domicile, the surplus or residue to him for distribution to those persons.

CHAPTER XIII.

OF THE LIABILITY OF AN EXECUTOR OR ADMINISTRATOR FOR DEVASTATION.

144. When an executor or administrator misapplies the estate of the deceased, or subjects it to loss or damage, he is liable to make good the loss or damage so occasioned. *Section 327, Indian Succession Act.*
 Liability of executor or administrator for devastation;

Illustrations.

(a) The executor pays out of the estate an unfounded claim. He is liable to make good the loss caused by the payment.

(b) The deceased had a valuable lease renewable by notice, which the executor neglects to give at the proper time. The executor is liable to make good the loss caused by the neglect.

(c) The deceased had a lease of less value than the rent payable for it, but terminable on notice at a particular time. The executor neglects to give the notice. He is liable to make good the loss.

145. When an executor or administrator occasions a loss to the estate by neglecting to get in any part of the property of the deceased, he is liable to make good the amount.

Section 328, Indian Succession Act.

Illustrations.

(a) The executor absolutely releases a debt due to the deceased from a solvent person, or compounds with a debtor who is able to pay in full. The executor is liable to make good the amount so lost.

(b) The executor neglects to sue for a debt till the debtor is able to plead the Regulation for the limitation of suits, and the debt is thereby lost to the estate. The executor is liable to make good the amount of the debt.

CHAPTER XIV.

MISCELLANEOUS.

146. In Chapters VIII, IX, X and XII Provisions applied of this Regulation the to administrator provisions as to an executor with will annexed. shall apply also to an administrator with the will annexed.

147. Nothing herein contained shall—
Saving-clause.

(a) validate any testamentary disposition which would otherwise have been invalid;

(b) invalidate any such disposition which would otherwise have been valid; or,

(c) deprive any person of any right of maintenance to which he would otherwise have been entitled.

148. No proceedings to obtain probate of a will, or letters of administration to the estate, of any Hindu, Mahomedan, Buddhist or person exempted under Section 332 of the Indian Succession Act, 1865, as applied to Mysore, shall be instituted in any Court in Mysore except under this Regulation.

149. In the first schedule to the Mysore Limitation Regulation, 1911, No. 43, after the figures "321," the following shall be inserted, namely,—“or under the Probate and Administration Regulation, , Section 136 or 137.”

150. (1) When a grant of probate or letters of administration is revoked or annulled under this Regulation, the person to whom the grant was made shall forthwith deliver up the probate or letters to the Court which made the grant. *Section 333, Indian Succession Act.*

(2) If such person wilfully and without sufficient cause omits so to deliver up the probate or letters, he shall be punished with fine which may extend to one thousand rupees, or with imprisonment which may extend to three months, or with both.

Statement of Objects and Reasons.

The attention of the Government has been drawn to the absence of any enactment in the State corresponding to the British Indian Probate and Administration Act (V of 1881), applicable to cases not falling within the scope of the Indian Succession Act as applied to Mysore. This enactment has a very limited operation in Mysore, as it does not apply to Hindus, Mahomedans, Buddhists or even Native Christians. As the law at present stands, there is no means of conferring upon any one a complete and conclusive title as representative of the estate of a deceased person to whom the Succession Act does not apply. This state of things often causes great inconvenience. Though wills are gradually coming into use, there are no facilities for proving them or for the due administration of the property. The executor under a will has no representative status as such. To prove the will, he must have recourse to a regular suit or obtain under the Succession Certificate Regulation of 1901, a certificate which is operative only for certain very limited purposes. Cases have come before the Courts where difficulty has been experienced owing to want of provisions for granting probate of wills or letters of administration to the estates of deceased persons. Moreover, there is no guarantee that the executor or administrator discharges the duties entrusted to him, properly. In case of his making default in the performance of his duties, he can now be made to answer for it only by a regular suit at the instance of the injured parties. In the absence of provisions for granting letters of administration the settlement of claims against the estate and its distribution among heirs and creditors may give rise to avoidable litigation. These deficiencies are proposed to be removed by the enactment of a Probate and Administration Regulation.

2. The important facilities provided by the draft Regulation are the following:—

- (1) A simple procedure is prescribed for the grant of probates and letters of administration.
- (2) A representative status is conferred on administrators and executors: and they are enabled to give a valid discharge for payment of debts made by the debtors of the deceased.
- (3) Powers are conferred on executors and administrators as regards the beneficial disposal of the property of the deceased.

The draft Regulation also provides safe-guards for the proper discharge of their duties by executors and administrators. The administrator and, if the Court so direct, the executor, must execute a bond with one or more sureties engaging for the due administration of the property of the deceased. They must file an inventory of the property within six months and a detailed account later on.

3. The draft Regulation does not curtail or extend the power of disposing of property by will possessed by the members of the communities to which it applies nor does it interfere with the rights of maintenance otherwise chargeable on the estates of the deceased.

It may be added that the draft Regulation is of a permissive nature and does not render it obligatory that probates should be obtained before the validity of a will is established.

No. 86—L. C., dated Bangalore, 19th May 1913.

Under the powers vested in the Mysore Legislative Council by Section 11 of the Mysore Legislative Council Regulation, 1907, the following amendment of the Rules for the conduct of business at meetings of the Mysore Legislative Council was passed by the Council at the meeting held on the 4th April 1913:—

AMENDMENT.

The following clause shall be added to Rule 58 of the Rules for the conduct of business of the Mysore Legislative Council:—"such application shall be made through a member at least two clear days before the meeting".

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.



The Mysore Gazette.

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PUBLISHED BY AUTHORITY.

[No. 22.

BANGALORE, THURSDAY, MAY 29, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 78—L. C., dated 28th April 1913.

Under Rule 31 of the Rules for the conduct of business of the Legislative Council, the following Bill to consolidate and amend the law regulating labour in factories is published for general information with a statement of objects and reasons:—

By Order,

S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

The Mysore Factories Bill.

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SCHEDULES.

A Bill to consolidate and amend the law regulating labour in factories.

Whereas it is expedient to consolidate and amend the law regulating labour in factories; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Regulation may be called
 Short title, com- the Mysore Factories
 mencement and ex- Regulation.
 tent.

(2) It shall come into force on.....
; and

(3) It extends to the whole of Mysore.

2. In this Regulation, unless there is
 Definitions. anything repugnant in
 the subject or context,—

(1) "child" means a person who is
 "Child." under the age of fourteen years:

(2) a person who works in a factory,
 "Employed." whether for wages or not,—

(a) in a manufacturing process or handicraft, or

(b) in cleaning any part of the factory used for any manufacturing process or handicraft, or

(c) in cleaning or oiling any part of the machinery, or

(d) in any other kind of work whatsoever, incidental to, or connected with, the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall be deemed to be employed therein:

Explanation.—The term "manufacturing process" shall be deemed to include the baling of any material for transport:

(3) "factory" means any premises
 "Factory." wherein, or within the precincts of which, steam, water or other mechanical power or electrical power is used in aid of any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale any article or part of an article:

(4) "inspector" includes an additional inspector:
 "Inspector." tional inspector:

(5) "mill-gearing" includes every shaft, whether upright, oblique or horizontal, and every wheel, drum, pulley, rope, chain, wire, driving strap or band by which the motion of the first moving power is communicated to any machine appertaining to any manufacturing process:

(6) "occupier" includes a managing agent or other person authorised to represent the occupier:
 "Occupier." agent or other person authorised to represent the occupier:

(7) "prescribed" means prescribed by this Regulation or by rules made thereunder:
 "Prescribed." this Regulation or by rules made thereunder:

(8) "system of shifts" means a system of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay:
 "System of shifts." tem of relays in which the time of the beginning and ending of the period or periods of the employment of each person is fixed for each relay:

(9) "textile factory" means a factory wherein is carried on any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, coconut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:
 "Textile factory." tory wherein is carried on any process for, or incidental to, making, altering, repairing, ornamenting, finishing or otherwise adapting for use, for transport or for sale cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, coconut fibre or other like material, either separately or mixed together or mixed with any other material, or any fabric made thereof:

Provided that the term "textile factory" shall not be deemed to include the following factories, namely:—cloth-printing works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, silk filatures, factories for ginning cotton, decorticating fibre, pressing cotton, jute or other fibre, rope works and hat works.

3. (1) Nothing in the following chapters shall apply to—
 Application of ters shall apply to—
 Act.

(a) any mine subject to the operation of the Mysore Mines Regulation, 1906, or

(b) any electrical generating or transforming station, or

(c) any factory situated on and used solely for the purposes of a tea or coffee plantation, or

(d) any factory wherein on no day in the year are more than forty-nine persons simultaneously employed:

Provided that the Government may, by notification in the official Gazette, apply to any factory or class of factories, wherein any specified number of persons, not being less than twenty, are on any day simultaneously employed, all or any of the provisions of this Regulation which would, save for clause (d) of this sub-section, have applied.

(2) The provisions of Chapters IV and V and Sections 35 and 36 shall not, unless the Government by order in writing otherwise directs, apply to any person employed solely in any place within the precincts of a factory, not being a cotton reeling-room or winding-room, in which place no steam, water or other mechanical power or electrical power is used in aid of the manufacturing process carried on in such factory, or in which such power is used solely for the purpose of moving or working any appliances in connection with the bringing or taking of any goods into or out of the factory.

CHAPTER II.

INSPECTORS AND CERTIFYING SURGEONS.

4. (1) The Government may, by notification in the official Gazette, appoint such persons as it thinks fit to be inspectors of factories within such local limits as it may assign to them respectively.

(2) No person shall be appointed to be an inspector under sub-section (1), or, having been so appointed, shall continue to hold the office of inspector, who is or becomes directly or indirectly interested in a factory or in any process or business carried on therein or in any patent or machinery connected therewith.

(3) The District Magistrate shall be an inspector under this Regulation.

(4) The Government may also, by notification as aforesaid, appoint such public officers as it thinks fit to be additional inspectors for all or any of the purposes of this Regulation within such local limits as it may assign to them respectively.

(5) In any area where there are more inspectors than one, the Government may, by notification as aforesaid, declare the powers which such inspectors shall respectively exercise, and the inspector to whom the prescribed notices are to be sent.

(6) Every inspector shall be deemed to be a public servant within the meaning of the Indian Penal Code and shall be officially subordinate to such authority as the Government may indicate in this behalf.

5. Subject to any rules in this behalf, Powers of in- an inspector may, with-
spectator. in the local limits for
which he is appointed,—

(a) enter, with such assistants (if any) as he thinks fit, any place which is, or which he has reason to believe to be, used as a factory;

(b) make such examination of the premises and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Regulation; and

(c) exercise such other powers as may be necessary for carrying out the purposes of this Regulation;

Provided that no one shall be required under this section to answer any question or give any evidence tending to criminate himself.

6. The Government may appoint such qualified medical practitioners as it thinks fit to be certifying surgeons for the purposes of this Regulation within such local limits as it may assign to them respectively.

7. (1) A certifying surgeon shall, at the request of any person desirous of being employed in a factory situated within the local limits for which he is appointed, or of the parent or guardian of such person, or of the manager of the factory in which such person desires to be employed, examine such person and grant him a certificate in the prescribed form, stating his age, as nearly as it can be ascertained from such examination, and whether he is fit for employment in a factory.

(2) Where a certifying surgeon refuses to certify that a person is fit for employment in a factory, he shall, if required by such person, or his parent or guardian, or the manager of the factory in which such person desires to be employed, state in writing his reasons for such refusal.

8. A certifying surgeon may authorize any person practising medicine or surgery to exercise the functions assigned to him by Section 7, and

Delegation of certifying surgeon's functions.

Provided that no certificate granted under this section shall, unless confirmed, on personal examination of the person named therein, by the certifying surgeon who conferred the authority, be valid after the first date subsequent to the grant thereof on which such certifying surgeon visits the factory in which the person named therein is employed.

CHAPTER III.

HEALTH AND SAFETY.

9. The following provisions shall apply to every factory:—
Sanitary provisions.

(a) it shall be kept clean, and free from effluvia arising from any drain, privy or other nuisance;

(b) it shall not be so overcrowded while work is carried on therein as to be dangerous or injurious to the health of the persons employed therein;

(c) it shall be ventilated in such a manner as to render harmless, as far as practicable, any gases, vapours, dust or other impurities generated in the course of the work carried on therein that may be injurious to health.

10. If in a factory, in which any process is carried on by which dust or other impurity is generated and inhaled by the workers to an injurious extent, it appears to the inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means, the inspector may serve on the manager of the factory an order in writing, directing that a fan or other mechanical means of a proper construction for preventing such inhalation be provided, maintained and used before a specified date.

11. (1) Every factory shall be sufficiently lighted.
Lighting.

(2) In the case of any factory which is not in the opinion of the inspector so lighted, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for the attainment of a sufficient standard of lighting, and requiring him to carry them out before a specified date.

12. (1) In any factory in which humidity of the atmosphere is produced by artificial means, the water used for the purpose of producing humidity shall be taken either from a public supply of drinking water or from some other source of water ordinarily used for drinking, or shall be effectively purified before being used for the purpose of producing humidity.

(2) In the case of any factory in which any water required under sub-section (1) to be effectively purified is not in the opinion of the inspector so purified, the inspector may serve on the manager of the factory an order in writing specifying the measures which he considers necessary for effectively purifying the water and requiring him to carry them out before a specified date.

13. Every factory shall be provided with sufficient and suitable latrine accommodation, and if the Government so requires, with separate urinal accommodation for the persons employed in the factory:

Provided that the inspector may, subject to such conditions as the Government may lay down in this behalf, by an order in writing exempt any factory from the provisions of this section.

14. In every factory, there shall be maintained a sufficient and suitable supply of water fit for drinking for the use of the persons employed in the factory.

15. In every factory, the construction of which is commenced after the commencement of this Regulation, the doors of each room in which more than thirty persons are employed shall, except in the case of sliding doors, be constructed so as to open outwards.

16. (1) Every factory shall be provided with such means of escape in case of fire for the persons employed therein as can reasonably be required in the circumstances of each case.

(2) In the case of any factory which is not in the opinion of the inspector so provided, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for providing such means of escape, and requiring him to carry them out before a specified date.

17. No person shall smoke, or use a naked light or cause or permit any such light to be used, in the immediate vicinity of any inflammable material in any factory.

Precautions against fire.

18. (1) (a) Every fly-wheel directly connected with a steam-engine, water-wheel or other mechanical power or electrical power in any part of the factory and every part of any water-wheel or engine worked by any such power,

Fencing.

(b) every hoist or teagle and every hoist-well, trap-door or other similar opening near which any person is liable to pass or be employed, and

(c) every part of the machinery which the Government may by rule require to be kept fenced, shall be securely fenced.

(2) If in any factory there is any other part of the machinery or mill-gearing which may in the opinion of the inspector be dangerous if left unfenced, the inspector may serve on the manager of the factory an order in writing, specifying the measures which he considers necessary for fencing such part in order to remove the danger, and requiring him to carry them out before a specified date.

(3) All fencing must be constantly maintained in an efficient state while the parts required to be fenced are in motion or use, except where they are under repair or are under examination in connection with repair or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machinery.

(4) Such provision as may be prescribed shall be made for the protection from danger of persons employed in attending to the machinery or boilers of any factory.

19. No woman or child shall be allowed to clean any part of the mill-gearing or machinery of a factory while the same is in motion by the action of steam, water or other mechanical power or electrical power, as the case may be, or to work between the fixed and traversing parts of any self-acting machine while such machine is in motion by the action of any power above described.

Prohibition of employment of women and children in certain dangerous work.

20. No woman or child shall be employed in the part of a factory for pressing cotton in which a cotton-opener is at work:

Prohibition of employment of women and children where cotton openers are at work.

Provided that, if the feed-end of a cotton-opener is in a room separated from the delivery-end by a partition extending from the floor to the roof, women and children may be employed in the room in which the feed-end is situated.

CHAPTER IV.

HOURS OF EMPLOYMENT AND HOLIDAYS.

21. (1) In every factory there shall be fixed for each working day, at intervals not exceeding six hours, periods of not less than half an hour, during which all work shall be discontinued.

Periodical stoppage of work.

(2) Nothing in sub-section (1) shall apply to—

(a) any work performed by any person while employed in accordance with a system of shifts approved by the inspector, or

(b) the work of sizing, calendering, finishing, sewing or tailoring in textile factories, or in cloth-printing works, or in bleaching or dyeing works, or

(c) work on urgent repairs executed in railway or tramway workshops or running sheds, or in engineering works, or

(d) any work mentioned in Part A or in Part B of Schedule 1, or

(e) the factories mentioned in Part C of the said Schedule.

(3) Where it is proved to the satisfaction of the Government—

(a) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(b) that there is in any class of factories not specified in Part B of the said Schedule any work which necessitates continuous production for technical reasons, or

(c) that any class of factories not specified in Part C of the said Schedule

special circumstances of the trade carried on therein, an uninterrupted working day, the Government may, by notification in the official Gazette, exempt,—

in case (a), such class of work,

in case (b), work of the nature described in such class of factories,

in case (c), such class of factories, from the provisions of sub-section (1) on such conditions, if any, as it may impose.

22. (1) No person shall be employed in any factory on a Weekly holiday. Sunday, unless—

(a) he has had, or will have, a holiday for a whole day on one of the three days immediately preceding or succeeding the Sunday, and

(b) the manager of the factory has previous to the Sunday or the substituted day, whichever is earlier, given notice to the inspector of his intention so to employ the said person and of the day which is to be substituted and has at the same time affixed a notice to the same effect in the place mentioned in Section 36.

(2) Nothing in sub-section (1) shall apply to work on urgent repairs executed in railway or tramway workshops or running sheds or in engineering works.

(3) Nothing in sub-section (1) shall apply to any person employed on any work specified in Part A of Schedule I or in Part A of Schedule II or to any factory specified in Part B of Schedule II.

(4) Where it is proved to the satisfaction of the Government—

(a) that any class of work not specified in Part A of Schedule I is of an urgent nature or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, or

(b) that there is in any class of factories not specified in Part A of Schedule II any work which necessitates continuous production for technical reasons, or

(c) that any class of factories not specified in Part B of Schedule II supplies the public with articles of prime necessity which must be made or supplied every day, or

(d) that in any class of factories the work performed, by the exigencies of the trade or by its nature, cannot be carried on except at stated seasons, or at times dependent on the irregular action of natural forces,

the Government may, by notification in the official Gazette, exempt,—

in case (a), such class of work,
in case (b), work of the nature described in such class of factories, and
in cases (c) and (d), such class of factories,

from the provisions of sub-section (1), on such conditions, if any, as it may impose.

23. With respect to the employment of children in factories the following provisions shall apply:—

(a) no child shall be employed in any factory unless he is in possession of a certificate granted under Section 7 or Section 8 showing that he is not less than nine years of age and is fit for employment in a factory and while at work carries either the certificate itself or a token giving reference to such certificate;

(b) no child shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(c) no child shall be employed in any factory for more than seven hours in any one day.

24. With respect to the employment of women in factories the following provisions shall apply:—

(a) no woman shall be employed in any factory before half-past five o'clock in the morning or after seven o'clock in the evening;

(b) no woman shall be employed in any factory for more than eleven hours in any one day.

25. No person shall employ, or permit to be employed, in any factory any woman or child whom he knows, or has reason to believe, to have already been employed on the same day in any other factory.

26. The manager of a factory shall fix specified hours for the employment of each woman and child employed in such factory, and no woman or child shall be employed except during such hours.

27. Nothing in Section 24 or Section 26 shall apply to any woman in any factory for ginning or pressing

number of women are employed as are in the opinion of the inspector sufficient to make the hours of employment of each woman not more than eleven in any one day.

CHAPTER V.

SPECIAL PROVISIONS FOR TEXTILE FACTORIES.

28. No person shall be employed in any textile factory for more than twelve hours in any one day.

Limitation of hours of work.

29. (1) No person shall be employed in any textile factory before half-past five o'clock in the morning or after seven o'clock in the evening.

Limits between which a person may be employed.

(2) Nothing in sub-section (1) shall apply to any person while employed in accordance with a system of shifts approved by the inspector.

30. (1) Nothing in Section 28 or Section 29 shall apply to—

Exceptions from Sections 28 and 29.

(a) the work of calendering, finishing, sewing or tailoring, or

(b) the work of cloth-printing, bleaching or dyeing, or

(c) any work specified in Part A of Schedule I.

(2) Where it is proved to the satisfaction of the Government that any work not specified in Part A of Schedule I is of an urgent nature, or is such as in the interests of efficiency is commonly performed while the main manufacturing process of the factory is discontinued, the Government may, by notification in the official Gazette, exempt any person employed on such work from the operation of Section 28 or Section 29 on such conditions, if any, as it may impose.

31. (1) The period for which mechanical power or electrical power is used in any textile factory shall not in any one day exceed twelve hours.

Limit of use of machinery.

(2) Nothing in sub-section (1) shall apply to any mechanical power or electrical power while being solely used in aid of the work performed by any person employed in accordance with a system of shifts approved by the inspector.

(3) Nothing in sub-section (1) shall apply to any mechanical power or electrical power required in connection with any work specified in sub-section (1) of Section 30 or in connection with any work which is exempted by the Government under sub-section (2) of the same section.

32. No child shall be employed in any textile factory for more than six hours in any one day.

Limitation of hours of children.

CHAPTER VI.

NOTICES AND REGISTERS.

Person occupying factory to give notice. 33. (1) Every person occupying a factory shall,—

(a) in the case of existing factories, within one month after the commencement of this Regulation, or

(b) in the case of a factory which starts work after the commencement of this Regulation, within one month after he begins to occupy the factory, send to the inspector a written notice containing—

(i) the name of the factory and of the place where it is situate,

(ii) the address to which he desires his letters to be directed,

(iii) the nature of the work performed in such factory,

(iv) the nature and amount of the moving power therein, and

(v) the name of the person who shall be deemed to be the manager of the factory for the purposes of this Regulation:

Provided that in the case of a seasonal factory such notice shall be sent on or before the date of starting work for each season.

(2) If the manager of the factory is changed, the occupier shall send to the inspector, within seven days from the date on which the change is made, written notice of the change.

(3) During any period for which no person has been designated as manager of a factory under this section, the occupier shall himself be deemed to be the manager of the factory for the purposes of this Regulation.

34. When any accident occurs in a factory causing death or bodily injury, whereby the person injured is prevented from returning to his work in the factory during the forty-eight hours next after the occurrence of the accident, the manager shall send notice of the accident to such authorities in such form and within such time as may be prescribed.

Notice to be given of accident.

35. In every factory there shall be kept, in the prescribed form, a register of the children (if any) employed in such factory, and of the nature of their respective employment.

Register of children.

36. (1) There shall be affixed in some conspicuous place near the main entrance of every factory, in English and in the language of the majority of the operatives in such factory, the prescribed abstracts of this Regulation and of the rules made thereunder, and also a notice containing the standing orders of the factory upon the following matters, namely:—

Affixing of abstract and notices.

(a) the time of beginning and ending work on each day;

(b) the periods during which all work is discontinued under Section 21;

(c) the hours of beginning and ending work for each shift (if any); and

(d) the hours of employment of women and children respectively, if not employed in shifts.

(2) A copy of the said notice shall be sent to the inspector within one month of the commencement of this Regulation, or, in the case of a factory which starts work after the commencement of this Regulation, within one month of commencing work.

(3) The said notice shall be correctly maintained and kept up to date, and intimation of any change therein shall be sent by the manager to the inspector within seven days.

(4) Nothing in this section, except in so far as it relates to affixing the prescribed abstracts of this Regulation and the rules made thereunder, shall apply to any seasonal factory.

CHAPTER VII.

RULES.

37. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Regulation;

Power to make rules.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the inspection of factories;

(b) the manner in which inspectors are to exercise the powers conferred on them by this Regulation ;

(c) the duties to be performed by certifying surgeons;

(d) the form of the certificate prescribed by Section 7, the grant of a duplicate in the event of loss of the original certificate, and the fee, if any, to be charged for such duplicate ;

(e) the methods, including lime-washing, painting, varnishing and washing, to be adopted in order to secure cleanliness and freedom from effluvia;

(f) the proportion which the number of cubic feet of space in any room shall bear to the number of persons employed at one time therein;

(g) standards of ventilation, and the methods to be adopted in order to secure their observance ;

(h) standards of latrine and urinal accommodation ;

(i) standards of water-supply ;

(j) the parts of the machinery to be kept fenced in accordance with Section 18, sub-section (1), clause (c), and the provisions to be made for the protection from danger of persons employed in attending to the machinery or boilers;

(k) the form of the notice prescribed by Section 34, and the time within which and the authorities to whom it shall be sent;

(l) the form of the register prescribed by Section 35 ;

(m) the abstracts of the Regulation and of the rules required by Section 36 ;

(n) the procedure to be followed in presenting and hearing appeals under this Regulation, including the appointment and remuneration of assessors; and

(o) the manner of service of notices and orders upon occupiers or managers of factories.

38. The Government may from time to time make rules requiring occupiers or managers of factories to furnish such returns, occasional or periodical, as may in its opinion be necessary for the effectual carrying out of this Regulation.

39. (1) The power to make rules conferred by Section 37, except clauses (k), (l) and (m) of sub-section (2) thereof, and by Section 38 is subject to the condition of the rules being made after previous publication.

(2) The date to be specified in accordance with clause (3) of Section 23 of the General Clauses Regulation, 1899, as that after which a draft of rules proposed to be made under Sections 37 and 38 will be taken into consideration, shall not be less than three months from the date on which the draft of the proposed rules was published for general information.

40. Rules made under this chapter shall be published in the official Gazette and shall thereupon have effect as if enacted in this Regulation.

CHAPTER VIII.

PENALTIES AND PROCEDURE.

41. If in any factory—

(a) any person is employed or allowed to work contrary to any of the provisions of this Regulation;

(b) any of the provisions of Section 9 are not complied with;

(c) latrine or urinal accommodation in accordance with the provisions of Section 13 is not provided;

(d) a supply of water for the persons employed is not maintained in accordance with the provisions of Section 14;

(e) any door is constructed in contravention of Section 15;

(f) any of the provisions of Section 10, sub-sections (1), (3) and (4), regarding the safety and the protection from danger of persons employed in attending to the machinery or boilers are not complied

any order of an inspector under Section 10, Section 11, Section 12, Section 13, Section 14, Section 15, Section 16, Section 17, Section 18 is not complied with;

(h) the register prescribed by Section 35 is not kept up to date;

(i) any of the provisions of Section 36 are not complied with;

(j) any notice or return required by this Regulation or by rules made thereunder to be furnished is not furnished; the occupier and manager shall be jointly and severally liable to a fine which may extend to two hundred rupees:

Provided that in cases where an appeal is allowed by Section 50 no prosecution under clause (g) of this section shall be instituted until either the time prescribed by Section 50 for the presentation of an appeal has expired or such appeal, if made, has been determined.

42. (1) Where the occupier or manager of a factory is charged with an offence against this Regulation, he shall be entitled upon complaint duly made by him to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the factory proves to the satisfaction of the Court—

(a) that he has used due diligence to enforce the execution of this Regulation, and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance,

that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager, and the occupier or manager shall be discharged from any liability under this Regulation.

(2) When it is made to appear to the satisfaction of the inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the factory has used all due diligence to enforce the execution of this Regulation, and

(b) by what person the offence has been committed, and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager, and in contravention of his orders,

the inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against

the occupier or manager of the factory, and such person shall be liable to the like fine as if he were the occupier or manager.

Penalties for cer- 43. Any person who—
tain offences.

(a) wilfully obstructs an inspector in the exercise of any power under Section 5, or fails to produce on demand by an inspector any registers or other documents kept in pursuance of this Regulation or the rules made thereunder, or conceals or prevents or attempts to prevent any person employed in a factory from appearing before or being examined by an inspector;

(b) smokes, or uses a naked light, or causes or permits any such light to be used, in the immediate vicinity of any inflammable material in contravention of Section 17; or

(c) does or omits to do any other act prohibited or prescribed by this Regulation or any order or rule made thereunder;

shall be punishable with fine which may extend to two hundred rupees.

44. Any person who knowingly uses

Using false certi- or attempts to use, as
ficate. a certificate granted to
himself under Section 7

or Section 8, a certificate granted to another person under either of those sections, or who, having procured such a certificate, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with fine which may extend to twenty rupees.

45. A person shall not be liable in

Limit to penalty respect of a repetition
in case of repetition of the same kind of
of offence. offence from day to day

to any larger amount of fines than the highest fine fixed by this Regulation for the offence, except—

(a) where the repetition of the offence occurs after a prosecution has been instituted in respect of the original offence, or

(b) where the offence is one of employing or allowing to be employed two or more persons contrary to the provisions of this Regulation.

If a child over the age of six years is found inside any
ption as to room or part of a fac-
nt. tory in which room or
children are employed and in which
manufacturing process or work inci-
any manufacturing process is

being carried on, he shall, until the contrary is proved, be deemed to be employed in the factory.

47. (1) When an act or omission would, if a person were under Evidence as to age. or over a certain age, be an offence punishable under this Regulation, and such person is in the opinion of the Court apparently under or over such age, it shall be on the accused to prove that such person is not under or over such age.

(2) A declaration in writing by a certifying surgeon that he has personally examined a person employed in a factory and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Regulation, be admissible as evidence of the age of that person.

48. (1) No prosecution under this Regulation except a prosecution under Section 43, clause (b), shall be Cognizance of offences. instituted except by or with the previous sanction of the inspector.

(2) No Court inferior to that of a Magistrate of the first class shall try any offence against this Regulation or any rule or order thereunder, other than an offence against Section 43, clause (b).

49. No Court shall take cognizance of any offence against this Regulation or any rule or order thereunder, Limitation of prosecutions. unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER IX.

SUPPLEMENTAL PROVISIONS.

50. (1) Any person on whom an order Appeals. under Section 10, Section 11, Section 12, Section 16 or Section 18 has been served may, within fourteen days from the date of service of the order, appeal against such order to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(2) Where an inspector refuses to approve a system of shifts, he shall, if

required by the manager of the factory, record his order of refusal with the reasons therefor, and the manager of the factory may, within fourteen days from the date of such order, appeal against it to the Government or to such authority as it may appoint in this behalf, who may confirm, modify or reverse any such order.

(3) In the case of any appeal under sub-section (1) the appellate authority may, and if so requested by the appellant in the petition of appeal shall, hear the appeal with the aid of two assessors, one of whom shall be appointed by the said authority and the other by such body representing the interest of the industry concerned as the Government may in this behalf prescribe :

Provided that if no assessor is appointed by such body within the prescribed period, or if the assessor so appointed fails to attend at the time and place fixed for the hearing of the appeal, the said authority may proceed to hear the appeal without the aid of such assessor, or, if it thinks fit, without the aid of any assessor.

51. In computing the hours referred to in Section 23, clause (c), Section 24, clause (b), Section 28 and Section 32, any interval by which work is interrupted for half an hour or more shall be excluded.

52. The Government may, by special order in writing, direct, with respect to any parts of a factory to be separate factories, that different branches or departments of work carried on in the same factory shall for all or any of the purposes of this Regulation be treated as if they were separate factories.

53. This Regulation shall apply to factories belonging to the Government.

54. In the case of any public emergency, the Government may, by an order in writing, exempt any factory from this Regulation to such extent and during such period as it thinks fit.

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or in

Repeal and sav-
ings. 56. The Mysore Fac-
tories Regulation, 1892,
is hereby repealed:

Provided that all appointments made
and all certificates given under the said
Regulation shall be deemed to have been
made or given under this Regulation.

SCHEDULE I.

(See Sections 21, 22, 30.)

PART A.

[See Sections 21 (2), (3); 22 (3); 30.]

WORK OF AN URGENT NATURE OR SUCH AS
IN THE INTERESTS OF EFFICIENCY IS
COMMONLY PERFORMED WHILE THE MAIN
MANUFACTURING PROCESS OF THE FAC-
TORY IS DISCONTINUED.

(a) Work by the supervising staff,
clerks, watchmen or messengers;

(b) work in the mechanic shop, the
smithy or foundry, the boiler-house, the en-
gine-room or power-house, or in connection
with the mill-gearing, the electric driving or
lighting apparatus, mechanical or electrical
lifts, or the steam or water pipes or pumps;

(c) work on the cleaning of walls, ceil-
ings or other portions of factory buildings,
tanks, wells, humidifying or ventilating appa-
ratus, tunnels, blow-room flues or line-shaft
alleys or of galleries in ginning factories;

(d) work by persons engaged in oiling,
examining or repairing or in supervising or
aiding in the oiling, examination or repair of
any machinery or other thing whatsoever
which is necessary for the carrying on of the
work in a factory.

Explanation.—Periodical cleaning is not
included in the terms "examining" or "re-
pairing";

(e) work on the processess of packing,
bundling or baling of finished articles or the
receiving or despatching of goods.

PART B.

[See Section 21 (2), (3).]

WORK NECESSITATING CONTINUOUS PRODUC-
TION FOR TECHNICAL REASONS IN THE
FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.

Oil refineries.
Oil mills.
Cement works.
Cloth-printing works.
Bleaching and dyeing works.
Carbonic acid gas works.
Chemical works.
Glass works.
Paper mills.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or
works for the manufacture of iron
or steel or other metals.

PART C.

[See Section 21 (2), (3).]

FACTORIES WHICH BY REASON OF THE EXIGENCIES OR THE SPECIAL CIRCUMSTANCES OF THE TRADE CARRIED ON THEREIN REQUIRE AN UNINTERRUPTED WORKING DAY, NAMELY:—

Flour mills.
Rice mills.
Letter-press printing works.
Dairies.
Bakeries.
Ice factories.
The mints.
Gas works.
Air-compressor stations.
Water works or water-supply pumping
stations.

SCHEDULE II.

(See Section 22.)

PART A.

[See Section 22 (3), (4).]

WORK NECESSITATING CONTINUOUS PRODUCTION FOR TECHNICAL REASONS IN THE FOLLOWING FACTORIES, NAMELY:—

Tanneries.
Sugar refineries.
Breweries.
Distilleries.
Oil refineries.
Cement works.
Carbonic acid gas works.
Chemical works.
Glass works.
Shellac factories.
Potteries.
Blast furnaces, ore smelting works, or
works for the manufacture of iron
or steel or other metals.

PART B.

[See Section 22 (3), (4).]

FACTORIES WHICH SUPPLY THE PUBLIC WITH
ARTICLES OF PRIME NECESSITY WHICH
MUST BE MADE OR SUPPLIED EVERY
DAY, NAMELY :—

Ice factories.
Dairies.
Bakeries.
Gas works.
Air-compressor stations.
Water works or water-supply pumping
stations.

Statement of Objects and Reasons.

The Mysore Factories Regulation was passed so far back as 1892. In British India the law relating to factories was revised in 1911 and a new Act was passed embodying several salutary provisions about the health and safety of persons employed in factories and the period of their employment therein.

It is considered desirable that the law in the Mysore State should be brought into line with that obtaining in British India. With this object this Bill has been prepared on the lines of the British Indian Act of 1911.

REGULATION No. I of 1913.

The Mysore Emigration Regulation.

(Received the assent of His Highness the Maharaja on the 13th day of May 1913.)

WHEREAS it is expedient to regulate the emigration of minors and other persons beyond the limits of Mysore for labour; His Highness the Maharaja is pleased to enact as follows:—

1. This Regulation may be called "The Mysore Emigration Regulation, 1913." It extends to the whole of Mysore.

Title and extent.

2. Definitions—

(a) "Emigrate and Emigration" denote the departure out of Mysore of a native of Mysore under an agreement to labour for hire in some country beyond the limits of Mysore.

(b) "Emigrant" means any native of Mysore who emigrates or has emigrated, and includes any dependent of an emigrant.

(c) "Dependent" means any of the following persons accompanying an emigrant, namely,—

any woman who has not entered into an agreement to emigrate; any child in whose name and on whose behalf any such agreement has not been entered into and any aged or incapacitated relative or friend.

(d) "Labour" means unskilled labour and does not include domestic personal service.

(e) "Recruiter" includes a head recruiter or other person who collects or receives emigrants recruited by other persons.

3. Emigration to places outside India and Ceylon shall be lawful to countries to which the Governor-General of India in Council has permitted emigration or to which emigration is not prohibited from British India.

Countries to which emigration is permitted.

4. (1) In cases in which a license shall be required for recruiting in British, India under any law for the time being in force there, no person shall, without such a license granted by a Protector of Emigrants under Section 16 of the Indian Emigration Act (XVII of 1908,)—

(a) enter into or attempt to enter into any agreement with any person purporting to bind him to emigrate, or

(b) in consideration of any hire or reward, induce or attempt to induce any person to leave any place for the purpose of emigrating, or

(c) act or be employed in any other respect as a recruiter of emigrants.

(2) Every recruiter required to have such a license shall produce it when called upon to do so by any Magistrate or officer in charge of a Police Station.

5. Any District Magistrate may, after recording reasons therefor, endorse upon such a license that it should not be valid within the limits of his jurisdiction, and thereafter it shall be unlawful for any person to recruit coolies on the strength of such license.

6. A recruiter shall give a true copy in the Kannada language of the statement of the terms of the agreement that he is authorised to offer to intending emigrants under the provisions of Section 22 (1) of the Indian Emigration Act (XVII of 1908) to every person whom he invites to emigrate, and shall when called upon to do so produce the statement for the information of any Magistrate or officer in charge of a Police Station.

7. (1) Every recruiter shall provide sufficient and proper accommodation in a suitable place for such intending emigrant or emigrants as may be collected by him pending their removal out of Mysore.

(2) The place where the accommodation is provided shall have a board fixed in some conspicuous position specifying the purpose for which the place is used.

(3) Every District Magistrate or such other Magistrate or Police officer as may be authorised under rules framed by Government shall have, for the supervision and regulation of the places in which accommodation is provided under this section, the same powers as are conferred on a Protector of Emigrants in British India in respect of depots at the port of embarkation under the provisions of the Indian Emigration Act (XVII of 1908).

(4) All recruiters or other persons in charge of these places shall afford every Magistrate or other officer authorised under this section every facility for visiting and inspecting them.

8. (a) The Government may, whenever it deems necessary, prohibit altogether emigration to any place outside Mysore, and may withdraw such prohibition.

(b) Government may also by notification in the Gazette prescribe that no recruitment shall take place to any place outside Mysore unless under licenses obtained in accordance with rules framed for the purpose, and thereupon the provisions of Sections 4 and 5 shall, *mutatis mutandis*, apply to recruitment for emigration to the said place.

9. No person below the age of eighteen shall be taken out of Mysore as an emigrant except under a written agreement duly executed and attested in accordance with rules to be framed by Government, entered into with his legal guardian, or where there is no such guardian, under the written permission of the Magistrate of the District from which the minor person intends to emigrate.

10. No married woman shall be taken out of Mysore as an emigrant without the consent of her husband (when he does not go with her) taken in writing and attested under rules framed by Government on this behalf, or without the written permission of a District Magistrate.

Unlawful recruitment.

11. (1) Whoever, except in conformity with the provisions of this Regulation or of any rules framed thereunder, or in contravention of any prohibition issued under Section 8 of this Regulation,

- (a) makes or attempts to make any agreement with any native of Mysore purporting to bind him to emigrate,
- (b) in consideration of any hire or reward, induces or attempts to induce any native of Mysore to leave any place for the purpose of emigrating, or is employed as a recruiter of emigrants,
- (c) in consideration of any hire or reward, receives into or detains in any place, or, being a recruiter, in any place other than a place in which accommodation has been provided in accordance with this Regulation or rules made under this Regulation, any person with a view to his being registered or despatched as an emigrant,

shall be punishable with a fine which may extend to Rs. 500.

(2) If a person other than a person authorised under Section 4 of this Regulation commits an offence under this section, any Police officer may arrest him without a warrant.

12. A recruiter, who in contravention of Section 6 fails to give a copy of the statement therein referred to, to any person whom he invites to emigrate, or to produce the statement for the information of a Magistrate or Police officer, shall be punishable with fine which may extend to one hundred rupees.

Punishment for failing to give an emigrant a copy of agreement referred to in Section 6 or produce the same before a Magistrate or Police officer.

13. Whoever, by means of intoxication, coercion or fraud, causes or induces, or attempts to cause or induce, any native of Mysore to emigrate, or to enter into an agreement to emigrate, or to leave any place with a view to emigrating, shall be punished with imprisonment for a term which may extend to one year, or with fine, or with both.

Fraudulently inducing emigration.

14. The Government may prohibit any person who has been once convicted of an offence under this Regulation or the rules framed thereunder or for any offence connected with recruitment of labourers under any other law in force, from acting thereafter as a recruiter of emigrants or doing anything to aid or induce any person to emigrate.

Prohibition of certain persons from acting as recruiters.

15. The Government may, by notification in the official Gazette, make rules consistent with this Regulation,—

Power of Government to make rules.

- (a) to provide for the supervision and regulation of places of accommodation provided for emigrants;
- (b) to prescribe forms of registers to be kept and returns and information to be supplied by recruiters under this Regulation;
- (c) to provide for the execution, registration and attestation of agreements entered into with or on behalf of persons intending to emigrate;
- (d) to regulate the discretion of the District Magistrate to give or withhold permission under Sections 9 and 10 of the Regulation; and
- (e) generally to provide for the security, well-being and protection of emigrants.

16. The Government may, for any breach of such rules not falling within the provisions of this Regulation or any other law in force, provide for a punishment not exceeding a fine of one hundred rupees.

Punishment for breach of rules.

M. VISVESVARAYA,

Dewan



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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. II OF 1913.

A Regulation further to amend the Mysore Military Regulation, 1899.

(Received the assent of His Highness the Maharaja on the 23rd January 1913.)

WHEREAS it is expedient to further amend the Mysore Military Regulation, II of 1899, His Highness the Maharaja is pleased to enact as follows :—

Preamble.

1. For the words "Articles of war" occurring in paragraphs 1 and 36, the words "Army Act, 1911" shall be substituted.

Amendment of paragraphs 1 and 36.

2. In No. 6 under the sub-heading "Non-commissioned Officers, Sowars and Drivers" and in No. 4 under the sub-heading "Followers," of paragraph 67, for the figure "50" the figure "30" shall be substituted.

Amendment of paragraph 67.

3. In the first sentence of paragraph 74, for the figure "50" the figure "30" shall be substituted.

Amendment of paragraph 74.

M. VISVESVARAYA,

Dewan.



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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. III OF 1913.

A Regulation to amend the law relating to Partition in Mysore.

(RECEIVED THE ASSENT OF HIS HIGHNESS THE MAHARAJA
ON THE 11TH DAY OF JUNE 1913.)

Whereas it is expedient to amend the law relating to Partition; His
Preamble. Highness the Maharaja is pleased to enact as follows:—

Short title, extent and com-
mencement.

1. (1) This Regulation may be called "The Parti-
tion Regulation, 1913."

(2) It extends to the whole of Mysore; and

(3) It shall come into force at once. But nothing herein contained shall be
Savings. deemed to affect any law providing for the partition of
immovable property paying revenue to Government.

Power to Court to order sale
instead of division in partition
suits.

2. Whenever in any suit for partition in which, if instituted prior to the
commencement of this Regulation, a decree for parti-
tion might have been made, it appears to the Court
that, by reason of the nature of the property to which
the suit relates, or of the number of the shareholders
therein, or of any other special circumstance, a division of the property cannot
reasonably or conveniently be made, and that a sale of the property and distribu-
tion of the proceeds would be more beneficial for all the shareholders, the Court
may, if it thinks fit, on the request of any of such shareholders interested indivi-
dually or collectively to the extent of one moiety or upwards, direct a sale of the
property and a distribution of the proceeds.

3. (1) If, in any case in which the Court is requested under the last foregoing section to direct a sale, any other shareholder applies for leave to buy at a valuation the share or shares of the party or parties asking for a sale, the Court shall order a valuation of the share or shares in such manner as it may think fit and offer to sell the same to such shareholder at the price so ascertained, and may give all necessary and proper directions in that behalf.

(2) If two or more shareholders severally apply for leave to buy as provided in sub-section (1), the Court shall order a sale of the share or shares to the shareholder who offers to pay the highest price above the valuation made by the Court.

(3) If no such shareholder is willing to buy such share or shares at the price so ascertained, the applicant or applicants shall be liable to pay all costs of or incident to the application or applications.

4. (1) Where a share of a dwelling house belonging to an undivided family has been transferred to a person who is not a member of such family and such transferee sues for partition, the Court shall, if any member of the family being a shareholder shall undertake to buy the share of such transferee, make a valuation of such share in such manner as it thinks fit, and direct the sale of such share to such shareholder and may give all necessary and proper directions in that behalf.

(2) If in any case described in sub-section (1) two or more members of the family being such shareholders severally undertake to buy such share, the Court shall follow the procedure prescribed by sub-section (2) of the last foregoing section.

5. In any suit for partition, a request for sale may be made, or an undertaking, or application for leave, to buy may be given or made on behalf of any party under disability by any person authorised to act on behalf of such party in such suit, but the Court shall not be bound to comply with any such request, undertaking or application, unless it is of opinion that the sale or purchase will be for the benefit of the party under such disability.

6. (1) Every sale under section 2 shall be subject to a reserved bidding and the amount of such bidding shall be fixed by the Court in such manner as it may think fit and may be varied from time to time.

(2) On any such sale, any of the shareholders shall be at liberty to bid at the sale on such terms as to non-payment of deposit or as to setting off or accounting for the purchase money or any part thereof instead of paying the same as to the Court may seem reasonable.

(3) If two or more persons, of whom one is a shareholder in the property, respectively advance the same sum at any bidding at such sale, such bidding shall be deemed to be the bidding of the shareholder.

7. Save as hereinbefore provided, when any property is directed to be sold under this Regulation, the procedure prescribed therefor by rules made by the Chief Court in this behalf from time to time shall, as far as practicable, be adopted. Until such rules are made, the procedure prescribed in the Code of Civil Procedure in respect of sales in execution of decrees shall be followed.

8. Any order for sale made by the Court under section 2, 3 or 4 shall be deemed to be a decree within the meaning of section 2 of the Code of Civil Procedure.

9. In any suit for partition, the Court may, if it shall think fit, make a decree for a partition of part of the property to which the suit relates and a sale of the remainder under this Regulation.

10. This Regulation shall apply in suits instituted before the commencement thereof, in which no scheme for the partition of the property has been finally approved by the Court.



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PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 390—S. R. 18-13-2, dated 16th July 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment in the Opium Rules, published under Notification No. 8198—Ex. F. 21-97, dated the 19th May 1900, as amended by Notification No. 1243—Ex. F. 21-97, dated the 24th July 1901, and by Notification No. Fl. 4967—S. R. 197-09, dated the 7th April 1910:—

In line 1, clause (i) of Rule XI, for the words "20 tolas" substitute "half a seer or 40 tolas".

By Order,
D. M. NARASINGA RAO,
Deputy Secretary to Government,
in charge.

NOTIFICATION.

No. 23—L. C. Enc. 1, dated 16th July 1913.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following report of the Select Committee appointed to consider the Elementary Education Bill is published for general information.

By Order,

S. P. RAJAGOPALACHARI,

Secretary, Mysore Legislative Council.

Report of the Select Committee on the Elementary Education Bill.

We, the members of the Committee, appointed, to consider the Elementary Education Bill, have the honor to report that we have carefully considered the Bill and find that, except for certain verbal changes made by us, the Bill calls for no material alterations. The Bill need not therefore be republished and we recommend that it may be passed by the Council with the slight alterations made by us.

Dated 18th June 1913.

H. V. NANJUNDAYYA.

C. SRINIVASA IYENGAR.

SYED AMIR HASSAN.

M. C. RANGIENGAR.

D. VENKATARAMIAH.

S. SITARAMIAH.

NOTE.—Messrs. A. Rangaswamiengar and C. S. Doraswami Iyer, who were also members of the Select Committee, were unable to be present at the meeting.



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[No. 30.]

BANGALORE, THURSDAY, JULY 24, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 390—S. R. 18-13-2, dated 16th July 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment in the Opium Rules, published under Notification No. 8198—Ex. F. 21-97, dated the 19th May 1900, as amended by Notification No. 1243—Ex. F. 21-97, dated the 24th July 1901, and by Notification No. Fl. 4967—S. R. 197-09, dated the 7th April 1910:—

In line 1, clause (i) of Rule XI, for the words “20 tolas” substitute “half a seer or 40 tolas.”

By Order,
D. M. NARASINGA RAO,
Deputy Secretary to Government,

No. Fl. 7478—S. R. 241-12-2, dated 30th June 1913.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation as amended from time to time and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendments to the Foreign Liquor Rules published in Government Notification No. 11469—Ex. F. 3 of 1901, dated the 10th January 1902, as amended from time to time, with effect from 1st July 1913:—

1. In Rule XI for “15° Under-proof” read “25° Under-proof.”
2. Delete Rule XII and number Rules XIII and XIII A as Rules XII and XIII, respectively.

No. Fl. 475—S. R. 17-13-3, dated 22nd July 1913.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation, as amended from time to time, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to issue the following as Rule XI A of Foreign Liquor Rules and published in Notification No. 11469—Ex. F. 3-1901, dated 10th January 1902, as amended from time to time:—

“XI A.—Licenses granted under Rule II 5 (a) and 11 shall include power to sell superior country beer imported under the rules in force in the Mysore State for the import and transport of country beer.”

By Order,
K. R. SRINIVASINGAR,
Secretary to Government,
General and Revenue Departments.



The Mysore Gazette.

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[No. 31.

BANGALORE, THURSDAY, JULY 31, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 390—S. R. 18-13-2, dated 16th July 1913.

In exercise of the powers conferred by Section 5 of the Opium Act, I of 1878, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment in the Opium Rules, published under Notification No. 8198—Ex. F. 21-97, dated the 19th May 1900, as amended by Notification No. 1243—Ex. F. 21-97, dated the 24th July 1901, and by Notification No. Fl. 4967—S. R. 197-09, dated the 7th April 1910:—

In line 1, clause (i) of Rule XI, for the words "20 tolas" substitute "half a seer or 40 tolas."

By Order,

D. M. NARASINGA RAO,
Deputy Secretary to Government,
in charge.

No. Fl. 7478—S. R. 241-12-2, dated 30th June 1913.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation as amended from time to time and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendments to the Foreign Liquor Rules published in Government Notification No. 11469—Ex. F. 3 of 1901, dated the 10th January 1902, as amended from time to time, with effect from 1st July 1913 :—

1. In Rule XI for “15° Under-proof” read “25° Under-proof.”
2. Delete Rule XII and number Rules XIII and XIII A as Rules XII and XIII, respectively.

No. Fl. 475—S. R. 17-13-3, dated 22nd July 1913.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation, as amended from time to time, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to issue the following as Rule XI A of Foreign Liquor Rules and published in Notification No. 11469—Ex. F. 3-1901, dated 10th January 1902, as amended from time to time :—

“XI A.—Licenses granted under Rule II 5.(a) and 11 shall include power to sell superior country beer imported under the rules in force in the Mysore State for the import and transport of country beer.”

No. Fl. 560—S. R. 270-12-2, dated 28th July 1913.

ERRATUM.

The following corrections to the rules framed under the Mysore Stamp Regulation, 1900, published with Notification No. Fl. 5821—Legis. 52-06-1, dated 8th May 1908, are ordered :—

- (1) Substitution of ‘Rule 8’ for ‘Rule 9’ occurring in line 2 of Rule 9.
- (2) Substitution of ‘Rule 8 (1)’ and ‘Rule 8 (2)’ for ‘Rule 9 (1)’ and ‘Rule 9 (2)’ respectively, occurring in the headings of Appendices A and B to the rules.
- (3) Substitution of the word ‘Mysore’ for the words ‘British India’ occurring in item (d) of Appendix B.
- (4) Insertion of the word ‘of’ between the words ‘dissolution’ and ‘partnership’ in item (l) of Appendix B.

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government,
General and Revenue Departments.



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[No. 32.

BANGALORE, THURSDAY, AUGUST 7, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 7478—S. R. 241-12-2, dated 30th June 1913.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation as amended from time to time and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendments to the Foreign Liquor Rules published in Government Notification No. 11469—Ex. F. 3 of 1901, dated the 10th January 1902, as amended from time to time, with effect from 1st July 1913:—

1. In Rule XI for "15° Under-proof" read "25° Under-proof."
2. Delete Rule XII and number Rules XIII and XIII A as Rules XII and XIII, respectively.

No. Fl. 475—S. R. 17-13-3, dated 22nd July 1913.

In exercise of the powers conferred by Section 29 of the Mysore Excise Regulation, as amended from time to time, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to issue the following as Rule XI A of Foreign Liquor Rules and published in Notification No. 11469—Ex. F. 3-1901, dated 10th January 1902, as amended from time to time:—

"XI A.—Licenses granted under Rule II 5 (a) and 11 shall include power to sell superior country beer imported under the rules in force in the Mysore State for the import and transport of country beer."

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government,
General and Revenue Departments.

No. 44—L. C., dated 5th August 1913.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation, 1906, is published for general information.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Bill further to amend the Mysore Municipal Regulation, 1906.

We the members of the Select Committee appointed to consider the Bill further to amend the Mysore Municipal Regulation, 1906, have the honour to submit the following report to the Council.

We have gone through the Bill carefully and recommend the following alterations:—

Clause 1.—The word “private” occurring in this clause has been omitted as the expression “private persons” would exclude corporations from whom also the Municipalities may be allowed to borrow with the approval of Government.

Clause 2.—The clause as it now stands exempts from all taxation both a bicycle and a horse kept by the members of the Mysore Police Force or the Police Force of the Civil and Military Station. We are, however, of opinion that only one of these may be exempted and not both. We have therefore substituted “or” for “and” occurring between the words “bicycle” and “one horse”. This amendment is, however, proposed on the understanding that a similar concession will be shown by the Civil and Military Station Municipality to the members of the Mysore Police Force living within their limits.

Clause 3.—As this clause now stands, Sections 68 A, 68 B and 68 C would apply to all Municipalities in the State. But we are of opinion that these exceptional provisions should be cautiously used and be made applicable only to the City Municipalities of Bangalore and Mysore in the first instance. We have therefore inserted a new Section 68 D to the effect that these provisions shall not apply to any Municipality unless extended thereto by Government by a special notification. We have framed the section in general terms so that, if any necessity is made out later on to the satisfaction of Government for extending these provisions to any other Municipality besides Bangalore and Mysore, there may be no need to amend the Regulation itself.

The other alterations made by us in the Bill are only of a verbal nature and do not call for any remarks.

As the Bill has not been amended materially, it need not be republished.

We recommend that the Bill as amended by us may be passed by the Council.

BANGALORE,
Dated 20th July 1913.

M. KANTARAJ URS.
C. S. DORASWAMI IYER.
C. SRINIVASA IYENGAR.
B. NARASINGA RAO.
S. SEETARAMAIA.*

(* Subject to the following note of dissent.)

Note of dissent.

-I approve of the report except to the extent it refers to clause No. 3, about which my humble dissent may be kindly noted, as I consider that the conditions of the City of Bombay, from the Municipal Act of which these provisions are extracted, do not seem to exist in any of the Cities of this State and, as such, this provision, if introduced here, is sure to work hard upon the poor and ignorant.

class of people, as well the helpless heirs and representatives of even the better classes, not to speak of others, and further it would not serve any purpose so far as the state of affairs up to the date of its enforcement is concerned, and that a periodical critical jamabandi conducted regularly by the Municipal authorities concerned would easily obviate all the difficulties contemplated in the statement of objects and reasons of the Bill on this clause.

S. SEETHARAMAIA.

NOTE.—Mr. D. Venkataramaia, who was also a member of the Select Committee and who was absent from the meeting, has sent the following note:—

I am sorry that owing to a regrettable mistake that I made I lost the pleasure of meeting the Members of the Select Committee to exchange our views at the meeting. On reading the Select Committee report in circulation I entirely agree with their conclusions with regard to the clauses (1) and (2) but I regret that I cannot persuade myself to come to the conclusion that any case is made out at all for the recommendations made in clause (3), for the additions to be made to Section 68. In my opinion, an amendment to a Municipal Regulation which would defeat the collection of revenue within the year in which it is to be recovered is more a retrograde step. If the amendments now proposed are intended for enabling Municipal officials in the prompt collection of revenue, I am sorry that these provisions will not help them, but, on the other hand, they are likely to bring a chaotic condition of accounts in the hands of ill-paid shanbhogs. Doubts would be created where none existed. Delays would purposely be made to avoid detection of mal-practices by prompt attention. It is very rare that in large cities like Mysore and Bangalore that a house would be allowed to lie vacant for a whole year so as to make it impossible to know the person primarily liable to pay the tax. There is nothing to prevent the Municipal officials to ascertain promptly from the occupier whether he or she be the owner or tenant, the person liable to pay the tax and recover promptly either by previous year's experience or by current year's enquiries. If prompt measures are taken there would be no difficulty to recover the current year's tax. If, on the other hand, a loop-hole is given to the official in the manner now proposed the tenants may be changing, the owners may be dying or the properties may change hands, so that cases of recoveries not brought into books are likely to escape detection. Besides, the personal laws applicable to the owners of properties might be peculiar so as to make it difficult for a prompt compliance required by the additions now proposed. In the case of joint Hindu families where there are several undivided brothers and the widow of a deceased brother without children and in cases of Mahomadians, similarly situated, and also in cases of other castes and creeds which permit concubinage, etc., intricate questions of title and the endless ambiguities might arise leaving such questions for settlement between the executive officers of the Municipality and Law Courts.

Is it necessary to take the risk of conferring titles on properties on wrong persons by a simple compliance with the provisions contained in the amendments now proposed? It is to be remembered that the Municipal Regulations do not give powers to the Municipal Councils to recover by summary process arrears of taxes as the Land Revenue Code. When the council is required by law to file a civil suit for the recovery of arrears a provision of this kind will more hamper than accelerate the recovery of taxes. This aspect accounts for the omission of similar provisions in the Mofussil Regulations in British India. The existence of such provisions in the regulations in force only in the Presidency town of Bombay is, in my opinion, no criterion for adoption by the Municipal Councils in Bangalore and Mysore Cities, as the conditions differ in most important principles or details.

D. VENKATARAMAIA.

NOTE.—Mr. K. P. Puttanna Chetty, another member of the Select Committee, was not present at the meeting.



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BANGALORE, THURSDAY, AUGUST 21, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. 80—L. C., dated Bangalore, 18th August 1913.

Under Rule 40 of the Rules for the conduct of business of the Mysore Legislative Council, the following Report of the Select Committee appointed to consider the Mysore Muzrai Bill, together with the Bill as amended by them, is published for general information.

By Order,
S. P. RAJAGOPALACHARI,
Secretary, Mysore Legislative Council.

Report of the Select Committee on the Mysore Muzrai Bill.

We, the members of the Select Committee appointed to consider the Mysore Muzrai Bill, have the honor to submit the following report to the Council with the Bill as amended by us, annexed hereto.

We did not receive any representations from the public with regard to the Bill. We have examined the provisions of the Bill carefully and have also taken into consideration the criticisms that appeared in the Press regarding the same.

Clause 3 of the Bill.—Sub-clause 3 of this clause refers to a class of cases quite distinct from the other cases mentioned therein in as much as in all the latter cases Government steps in either at the desire of the persons interested or in the absence of a legally competent manager.

As clauses 8 and 9 of the Bill treat of questions of breach of trust and mismanagement in sufficient detail, sub-clause 3 is omitted here.

Clause 8.—This clause has been recast so as to make the provision applicable as well to a mismanagement of the institution as to mismanagement of its property.

Clause 10.—We have inserted a provision that the period of three years within which the Muzrai officer may take action under this clause shall be the period immediately preceding the date of issuing a notice under the section as the words in the clause as it stands, *viz.*, “before the dispute” are somewhat vague.

Clause 12.—For the sake of greater clearness the words “from the date of such order” have been inserted after the words “within six months.”

Clause 13.—This clause has been recast and a new provision inserted in it. As it stands now rules, can be framed directing persons in charge of religious or charitable institutions to keep regular accounts of income and expenditure, submit such returns and supply such information as may be prescribed. These provisions will not be efficacious without a power given to some authority to inspect the accounts and verify them if necessary.

Accordingly, inspection and verification of the accounts have also been provided for. The clause as recast will read as follows:—

“13. Government shall have power to make rules directing that persons in charge of religious or charitable institution, shall—

(a) keep regular accounts of income and expenditure and submit such returns,

(b) supply such information as may be required, and

(c) allow such inspection and verification as may be necessary:

and may, by said rules, prescribe a penalty not exceeding one hundred rupees for any infraction thereof.”

Clause 14.—The words “after due enquiry” have been added after the words “the Muzrai officer may.”

The point whether the period of prescription referred to in the proviso to this clause should be only 12 years or whether it should be longer, say 30 years, was discussed. The conclusion arrived at though with some diffidence was that it was unnecessary to give a longer period of limitation for evicting persons in adverse possession.

The powers conferred by this clause on Muzrai officers are analogous to the powers vested in the revenue authorities under the Inam Rules (*Vide* Chief Commissioner's Notification No. 266; dated the 17th November 1877). It is not intended by this clause in any way to alter, modify or interfere with the provisions contained in the Inam Rules.

Clause 18.—We have made a few changes in this clause to supply some omissions and to make it more comprehensive. It has been made clear that the investment of trust-money shall be in the securities noted therein and in no others. The securities of the Government of Mysore which had been omitted by inadvertence have also been included in sub-clause (a) of this clause. In sub-clause (b) we have included deposits also in addition to stocks etc., and omitted the last portion under which the companies shall be only those where the interest on shares etc., is guaranteed by the Government of Mysore. This limitation was considered somewhat too narrow and so we have provided that the railway or other companies referred to in this sub-clause should be those approved by Government. In sub-clause (d) provision is made for other securities approved by Government in addition to those expressly authorized by the Instrument of Trust.

Clause 20.—The words “or difference” have been inserted after “in cases of doubt.”

Clause 21.—We have split this into two separate clauses, the one dealing with appeals and the other with revision. With regard to appeals we have provided that where an order is passed by an Assistant Commissioner as Muzrai officer, an appeal against such order shall lie to the Deputy Commissioner.

Clause 23.—In this and the succeeding clauses wherever the words “Mathas” or “Mathadhipathis” occur, certain words have been inserted to indicate that the provisions apply also to institutions similar to mathas and persons similar to mathadhipathis in charge or having the control, of such institutions.

Clause 24.—On the analogy of clause 3 of the Bill, we have confined this

or of the absence of or inability of the head of the institution to manage the property, making provision for cases of mismanagement in the succeeding clause. Sub-clause (4) has therefore been omitted.

In sub-clause (3) of this clause in lieu of the indefinite expression "for other reasons" we have inserted the words "by reason of physical or mental infirmity."

Clause 25.—The substantive provision relating to the mismanagement of the property of a matha which was omitted from clause 24 has been inserted in this clause. The Committee have devoted careful consideration to the question as to the circumstances that would justify the starting of an enquiry into the management of the property of a matha. They are of opinion that such an enquiry may be started only when the property of the matha has been grossly mismanaged or the greater part of it alienated for improper purposes but that Government should not interfere in the case of habitual neglect or indifference of the head of the matha to the duties and responsibilities of the Asrama. They feel that any necessary action in this matter which pertains more to the spiritual functions of the heads of mathas should be taken by the disciples or others affected thereby.

Clause 26.—We have made an important change in this clause. We are of opinion that the enquiry contemplated by this clause should be before a Committee of not less than three members in all cases, whether the mathas concerned are major or minor.

Clause 27.—This clause has been slightly recast so as to empower Government to pass such orders as may be deemed fit concerning the affairs and the property of the institution.

Clause 28.—Considerable criticism has been directed in the Press against the provision made in this clause that Government may take such steps as are in accordance with law or usage to appoint a proper mathadhipati. The interpretation put upon this that Government would themselves nominate a mathadhipathi is based upon an entire misapprehension of its scope. What was intended to be conveyed by that provision was that Government would take necessary steps to have proper mathadhipathis appointed in the usual way. As however, the retention of this provision is likely to cause misunderstanding the Committee have restricted the scope of this clause considerably. As revised by us, the clause provides for Government taking the necessary step in the cases contemplated in sub-clause (2) of clause 25 to fulfil the indispensable functions of the institution till a proper mathadhipathi is appointed in accordance with law or usage.

Clause 34.—We have made it clear that the other temples referred to in this clause are those dedicated to the public or a section of the public.

Clause 35.—We have recast this clause as follows:—

"Where a majority of not less than three-fourths of the inhabitants of a village or other unit, being devotees of a temple, object to the employment as Pujari of a person claiming by hereditary right, such person shall be set aside provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai officer."

Clause 36.—The enquiry referred to in clause 14 has also been included in this clause.

The other changes made by us are merely verbal and call for no explanation.

We have divided the Bill into Chapters for purposes of convenience.

As the Bill has been amended by us in important particulars, we recommend that it may be re-published in the Gazette and passed into law in due course.

BANGALORE,
18th August 1913.

H. V. NANJUNDAYYA.
C. SRIKANTESVARA AIYAR.
C. SREENIVASIENGAR.
K. P. PUTTANNA CHETTY.
SYED AMIR HASSAN.
S. SEETARAMAIA.

NOTE.—Mr. A. Rangaswami Iyengar who was also a member of the Committee was present at the meeting.

The Mysore Muzrai Bill.

(As amended by the Select Committee.)

[The portions in square brackets are those omitted and those in italics newly added by the Committee.]

Whereas it is expedient to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja is pleased to enact as follows:—

CHAPTER I.

Preliminary

1. (1) This Regulation shall be called the Mysore Muzrai Regulation; and shall come into force from

Short title and extent. (2) It extends to the whole of Mysore.

Definitions. 2. (1) 'Muzrai Institution' shall mean and include—

(i) every temple, mosque, or other place of worship or religious service, any Chatra or house of feeding or rest for travellers without charge, or other institution of a religious [and] or charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public revenues, or an inam has been granted and is recognized and registered at the inam settlement as a *devadaya* or *dharmadaya* grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, has been taken under the sole management of Government, so long as it remains under such management.

(2) 'Muzrai Officer' shall mean the Deputy Commissioner of the District in which the whole or any part of the property of a religious or charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing of any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

CHAPTER II.

Provisions relating to Religious and Charitable Institutions.

3. Government may undertake the management of a religious or charitable trust, (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in charge of the institution all expire or disclaim; [(3) when there is a breach of trust, or gross and persistent mismanagement or misapplication of the trust property; (4)] (3) when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or [(5)] (4) when the sole beneficiary or all the surviving beneficiaries voluntarily agree to transfer possession and management.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Muzrai officer may make a reference to the Court of the District Judge in whose jurisdiction the greater part of the institution or property is situated.

Reference by the Muzrai officer to District Judge in cases of dispute.

5. The letter of reference shall be registered and disposed of as a suit between the Muzrai officer as plaintiff and the parties in possession of the property or opposing the contention of

6. Instead of [himself] making the reference, the Muzrai officer may authorise any one or more persons to file a suit under the provisions of Section 92 of the Code of Civil Procedure.

Authorisation of persons to file a suit under Section 92 of the C. P. C.

7. In disposing of *references and suits* [and references] under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute: Provided that no Court fees shall be charged in respect of proceedings following on a reference under Section 4.

Award and apportionment of costs.

8. When it is brought to the notice of the Muzrai officer that [the property of a] *any* religious or charitable institution dedicated for the benefit of the public or a defined section of the public or *any property pertaining thereto* is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

Enquiry regarding mismanagement of the property of a religious or charitable institution.

9. If [the allegations of gross and persistent] *it is proved that there has been gross and persistent* mismanagement of the institution or of any property pertaining thereto, or [of] any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof [are proved]; the Muzrai officer may order—

Order by Muzrai officer in such cases.

- (1) that the institution may be taken under the management of Government;
- (2) that *the* property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;
- (3) that security may be given for the proper performance of the trust or management of the property;
- (4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and
- (5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

10. Where property belonging to a religious or charitable institution has been, wrongfully alienated by way of sale, barter, mortgage, lease or otherwise within three years before the [dispute] *date of issuing a notice under this section*, the Muzrai officer may, after giving notice to the alienee and holding a summary enquiry in accordance with the provisions of the Mysore Land Revenue Code, direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

Procedure in cases of wrongful alienation of property belonging to a religious or charitable institution.

11. Where the whole or part of the objects of a *religious or charitable* [or religious] trust has failed, the Muzrai officer may, subject to such general rules or special orders as Government may have issued, after notification in the official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

Failure of the object of trust.

12. Any person against whom an order has been passed under Sections 9 and 10 directing dispossession [of] or recovery of possession of property or any person who is aggrieved by an order of the Muzrai officer passed under Section 11 may within six months *from the date of such order* file a suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate, for cancellation of such order making the Muzrai officer one of the defendants.

Suit by a person aggrieved by an order passed under Sections 9, 10 and 11.

If no such suit has been filed or if it has been dismissed by the Court, the Muzrai officer may after the lapse of six months from the date of his original order execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

Provided that in cases in which the property to be disposed of under Section 11 exceeds three thousand rupees in value or the annual income thereof is more than Rs. 300 in value, the sanction of Government shall have been obtained for the order.

[13. Government shall have power to make rules directing that persons in charge of charitable or religious institutions shall keep regular accounts of income and expenditure, and submit such returns, and supply such information as may be required in accordance with such rules, and may by said rules prescribe a penalty not exceeding one hundred rupees for any infraction thereof.]

Maintenance of accounts by persons in charge of religious or charitable institutions.

13. Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall—

- (a) keep regular accounts of income and expenditure,
- (b) submit such returns and supply such information as may be necessary,
- (c) allow such inspection and verification as may be necessary:

And may, by said rules, prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the Muzrai officer may after enquiry direct that the property may be resumed and re-transferred to the institution for whose benefit the inam was intended, or may cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the original institution;

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

15. Government may appoint Dharmadarsis to manage the affairs of [charitable and] religious or charitable institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business among them.

16. Government may invest Dharmadarsis with the powers, functions and responsibilities of a corporate person, including power to hold and dispose of property and to sue and be sued.

17. Government may also appoint a Committee of persons chosen by election or otherwise with such powers of management and supervision as may be prescribed by rules, over one or more religious or charitable institutions.

18. It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable institution [under Sections 15, 16 or 17 or for Government when it manages such an institution,] to invest money belonging to the institution and not required for immediate use [in] on any of the following securities, and on no others, viz.:—

- (a) In Promissory Notes, debentures, stock or other securities of the Government of India or Mysore;
- (b) In stock or debentures of, or shares or as deposits in, Railway or other Companies [the interest on which shall have been guaranteed by the Government of Mysore] approved by Government;
- (c) On a first mortgage of immovable property situate in Mysore; provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings exceeds by three-fourths, the mortgage money or

(d) On any other security expressly authorised by the Instrument of Trust or approved by Government.

19. Arrears of rent or revenue due from tenants in respect of property belonging to a Muzrai institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

20. When the property of any religious or charitable institution is situated in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in whose district any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt or difference, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognizance of the whole matter.

[21. Every order passed by a Muzrai officer which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government in the same manner and subject to the same limitations as appeals lying to Government in cases under the Land Revenue Code and every decree or order passed by a Muzrai officer may be similarly revised by Government.]

21. Every order passed under this Regulation which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government—where the order has been passed by a Deputy Commissioner—and to the Deputy Commissioner—where it has been passed by an Assistant Commissioner—in the same manner and subject to the same limitations as appeals under the Land Revenue Code.

Revision.

22. Every order passed by a Muzrai officer either in an original case or on appeal shall be subject to revision by Government.

[22]. 23. Any order passed under this Regulation or the rules framed thereunder by a Muzrai officer or [the Muzrai Department of] by Government shall not bar a suit under the provisions of Section 92 of the Code of Civil Procedure.

Saving of suits under Section 92 of the Civil Procedure Code.

CHAPTER III.

Provisions relating to Mathas or similar institutions.

[23]. 24. The foregoing provisions shall not apply to Mathas or other institutions of a similar nature or the property belonging to [Mathas] them which are in the possession of Mathadipathis or other persons entitled by law or general or particular usage to exercise powers of management or ownership.

Exemption of Mathas from the operation of the foregoing provisions.

[24]. 25. Government may take over the management and possession of the property of any Matha or other institution of a similar nature (1) when the Mathadipathi or other head of the institution voluntarily applies for such help and places the institution or its property under the management of Government; (2) when [the Mathadipathi] he is dead or has left the country and has not been heard of for more than seven years, and has not made legal and satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office; (3) when [the Mathadipathi] he is a minor without a legally appointed guardian, fit and willing to act as such or is [for other reasons] by reason of physical or mental infirmity unable to manage the affairs of the Matha or other institution [its affairs; or (4) when it is proved that the Mathadipathi has been

When management of Mathas may be assumed by Government.

grossly mismanaging the property or habitually alienating the greater bulk of it for enriching his bodily relations or for other improper purposes; or that he is habitually neglectful of and grossly indifferent to, the duties and responsibilities of his *Asrama*.]

[25. Whenever a complaint is made by at least half the number of householders or in cases in which the Matha has a large following, by at least a hundred house-holders subject to its jurisdiction as disciples, of any mismanagement or neglect referred to in the last clause of the previous section, Government may order an enquiry to be held.]

Enquiry into allegations of mismanagement of Matha. *26. Whenever a complaint is made by at least half the number of householders, or in cases in which the Matha or other institution has a large following, by at least a hundred house-holders, subject to its jurisdiction as disciples, that the Mathadipathi or the head of the institution has been grossly mismanaging the property or alienating the bulk of it for enriching his bodily relations or for other improper purposes, Government may order an enquiry.*

[26]. 27. [In the case of such institutions as are classed as major Mathas by Government, the] *Such* enquiry shall be before a Committee of not less than three members appointed by Government [and, in other cases, by the Deputy Commissioner.] *in each case.*

Authority before whom the enquiry is to be held. *28. When the decision of the Committee [appointed or of the Deputy Commissioner] has been approved by Government, [it may be carried out by the Deputy Commissioner of the District in which the institution or the greater part of the property is situated.] Government may pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.*

Execution of orders passed. *29. Where any Matha or other similar institution has come under the management of Government under clause (2) of Section 25, Government may take such steps as are necessary [in accordance with law or usage (1) to appoint a proper Mathadipathi and (2)] to fulfil the indispensable functions of the institution till a proper Mathadipathi is nominated in accordance with law or usage.*

Appointment of Mathadipathi by Government. *30. When property of a Matha or other similar institution has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed Mathadipathi or other head of the institution in possession; and may make and carry out a scheme either directly by Officers appointed or by a Committee constituted for the purpose.*

Powers of Government in regard to management of a Matha. *31. Government shall also have full power to dispose of the income of the institution as long as it is under its management (after making due provision for the maintenance of the Mathadipathi or other head of the institution, for carrying on [Puja] services in temples and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said [Matha] institution.*

CHAPTER IV.

Pujaris and other hereditary Temple servants.

[31]. 32. When there is a dispute about the office of a Pujari or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar of the Taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Enquiry into the claims to the office of a Pujari or other servant of a Muzrai institution.

[32]. 33. [The Deputy Commissioner or an Assistant Commissioner to whom the record may be referred by the Deputy Commissioner] *The Muzrai officer* shall, after reading the record of enquiry by the Amildar and hearing the parties interested, pass a decision on the merits of the case.

[33]. 34. In the absence of proof to the contrary, no [temple] office or service in a Muzrai institution shall be deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

[34]. 35. Where there is no claimant entitled to succeed to the office of a Pujari or other office in a [Muzrai institution] *temple or other place of worship*, the appointment shall be made by the [Deputy Commissioner] *Muzrai officer* in cases of [temples] *institutions* under the direct management of the Muzrai Department, or in cases of other [temples] *institution dedicated to the public or a section of the public* by the devotees of the [temple] *institution* living in its vicinity under such rules as may from time to time be made by Government.

[35]. Where a majority of not less than three-fourths of the inhabitants of a village or other unit, being Bhaktas of a temple, object to the claim by hereditary right of a person to the office of Pujari of the temple, such person shall be set aside either for life or altogether, provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai officer].

36. *Where a majority of not less than three-fourths of the inhabitants of a village or other unit being devotees of a temple object to the employment as Pujari of a person claiming by hereditary right, such person shall be set aside provided that the objects pay to the claimant such amount by way of compensation as may be fixed by the Muzrai officer.*

CHAPTER V.

Miscellaneous.

[36]. 37. The enquiry referred to in Sections 8, 11, 14, [25] 26 and [26] 27 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai officer or other person or persons holding the enquiry shall have all the powers of a revenue officer empowered to conduct such formal enquiry.

[37]. 38. In all matters in which a Muzrai officer or [the Muzrai Department of] Government has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.



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BANGALORE, THURSDAY, AUGUST 28, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATIONS.

No. Fl. 1255—S. R. 20-13-3, dated 26th August 1913.

In exercise of the powers conferred by Section 2; Act XVI of 1863, as applied to Mysore by Regulation II of 1885 and Sections 13 and 15 of the Mysore Excise Regulation, V of 1901, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment to the Methylated Spirits Rules published under Government Notification No. Fl. 4727—S. R. 130-07-2, dated 21st March 1908, as amended from time to time:—

Substitute "two gallons" for "one gallon" in Rule 8 and in Condition 3 in the license for the sale of methylated spirits (Form M. S.-1).

By Order,
K. R. SRINIVASIENGAR,
*Secretary to Government,
General and Revenue Departments.*

No. 94—L. C., dated 27th August 1913.

A meeting of the Mysore Legislative Council will be held in the Public Offices Buildings, Bangalore, on Monday, the 15th September 1913, at 12 noon.

By Order,
S. P. RAJAGOPALACHAR,
Secretary, Mysore Legislative Council.



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BANGALORE, THURSDAY, SEPTEMBER 4, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 1255—S. R. 20-13-3, dated 26th August 1913.

In exercise of the powers conferred by Section 2, Act XVI of 1863, as applied to Mysore by Regulation II of 1885 and Sections 13 and 15 of the Mysore Excise Regulation, V of 1901, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment to the Methylated Spirits Rules published under Government Notification No. Fl. 4727—S. R. 130-07-2, dated 21st March 1908, as amended from time to time:—

Substitute “two gallons” for “one gallon” in Rule 8 and in Condition 3 in the license for the sale of methylated spirits (Form M. S.-1).

By Order,
K. R. SRINIVASIENGAR,
*Secretary to Government,
General and Revenue Departments.*



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[No. 37.]

BANGALORE, THURSDAY, SEPTEMBER 11, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 1255—S. R. 20-13-3, dated 26th August 1913.

In exercise of the powers conferred by Section 2, Act XVI of 1863, as applied to Mysore by Regulation II of 1885 and Sections 13 and 15 of the Mysore Excise Regulation, V of 1901, and in exercise of all other powers enabling them in this behalf, the Government of His Highness the Maharaja of Mysore are pleased to make the following amendment to the Methylated Spirits Rules published under Government Notification No. Fl. 4727—S. R. 130-07-2, dated 21st March 1908, as amended from time to time:—

Substitute “two gallons” for “one gallon” in Rule 8 and in Condition 3 in the license for the sale of methylated spirits (Form M. S.-1).

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government,
General and Revenue Departments.



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[No. 38.]

BANGALORE, THURSDAY, SEPTEMBER 18, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. R. 2306—Agri. 38-13-2, dated 12th September 1913.

In the General Rules framed under Section 10 of the Land Improvement Loans Regulation, IV of 1890, and Section 194 of the Mysore Land Revenue Code, IV of 1888, the following amendments will be made:—

- (1) Rule I, B. (iii) (b). Omit the words "such as boilers, oil gas engines."
- (2) Add at the end of Rule I.

"These rules shall not apply to loans for the purchase of boilers, oil and gas engines or other power plant."

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government,
General and Revenue Departments.



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BANGALORE, THURSDAY, OCTOBER 2, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 3891—L. B. 57-12-3, dated 24th September 1913.

In exercise of the powers conferred by Section 34 of the Mysore Mines Regulation, No. IV of 1906, the Government of His Highness the Maharaja of Mysore are pleased to prescribe the following rules in supersession of those published under Notification No. 10265—L. B. 132-08-17, dated 14th May 1910, for the special sanitation and sanitary administration of the Robertsonpet Market, Kolar Gold Fields :—

1. All shop-keepers, stall-holders and sitters in the market shall be cleanly dressed.

2. All scales, weights and measures shall be kept clean and in proper order. Standard weights and measures will be kept in charge of the market sergeant.

3. (i) No person suffering from leprosy or other loathsome or contagious disease shall be allowed to keep a stall in any market, or be employed in any way in such market and any such person coming within the market, may be expelled by the market sergeant or his assistants.

(ii) And no person who is a contact of the person suffering from any infectious disease residing in the same dwelling or block of buildings where such infectious disease occurred shall be permitted to hold a stall or sit in the market until he produces a certificate from the Medical Officer of Health to the effect that he has evacuated the house, or block of buildings, or taken such precaution as may be approved by the Medical Officer of Health, to prevent the spread of infection.

4. No person shall satisfy a call of nature or commit any other nuisance within the limits of the market, except in a urinal or latrine provided for that

5. No person shall spit in any stall, holding or in any place in the market except in suitable receptacles which will be provided for the purpose, and no person shall throw or drop any vegetable or other matter likely to decay in or upon any avenue or passage of the market or any of the immediate approaches thereto, to the danger or damage of the public. All such matter should be thrown into the receptacles provided for the purpose.

6. No person shall sell or expose for sale in the market any meat, fish, grain or other animal or vegetable matter which is decomposed or unfit for consumption or any meat that by blowing or other artificial means is made to appear to be in a condition differing from what it really is.

7. The Medical Officer of Health, the Chief Sanitary Inspector, the Market Sergeant or any officer of the Sanitary Board empowered by the first named officer shall have free access to the market at any time on any day and the Medical Officer of Health shall have the power to prohibit the sale of any food stuff exposed in the market, if the officer is of opinion that it is unfit for human consumption or adulterated in such a manner as to make it injurious to health.

8. For the purpose of Rule 6, the decision of the Medical Officer shall be final so far as regards articles of food or drink that are of a perishable nature. In the case of other articles if the dealer so requires the Medical Officer of Health shall take a sample of the stuff and forwards it to the Chemical Examiner to Government whose decision in the matter will be considered final. Pending the report of the Chemical Examiner to Government, the Medical Officer of Health shall put his seal on the article and prevent its sale for the time being.

9. The Medical Officer of Health will visit the market and the slaughter-houses every Sunday morning and hold a thorough inspection of all the animals and goods. The Chief Sanitary Inspector will undertake this duty on Wednesdays.

10. The market-sergeant will perform this duty on ordinary days and will be held personally responsible for the quality of the food stuffs exposed for sale in the market.

11. All cooked articles of such stuffs as are to be consumed uncooked shall only be exposed for sale in properly constructed cases which can efficiently exclude contamination by flies or dust at the same time permitting free admission of air.

12. (i) All the stall-holders will be required to keep their places, persons and utensils scrupulously clean.

(ii) And all holders of stalls for the sale of articles of food and drink shall cause such stalls and all benches on which such articles are kept or exposed for sale to be thoroughly cleansed daily, and every board or place in which meat or fish is kept to be scraped and washed daily.

13. No person shall bring a dog into the market. All stray dogs found inside the market will be destroyed.

14. No person shall remove any meat or offal from the market without fully wrapping it up in cloth or paper.

15. No person shall permanently live in the market.

16. No person shall be allowed to bathe or wash his cloths at any water-tap inside the market.

17. A breach of any of the above rules shall render the offender liable on conviction to the penalty prescribed in Section 36 of the Mines Regulation, namely a fine not exceeding Rs. 100.

By Order,

K. R. SRINIVASIENGAR,

Secretary to Government,

General and Revenue Departments.



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BANGALORE, THURSDAY, OCTOBER 16, 1913.

PART III.

Legislative Measures and Rules thereunder.

REGULATION No. IV OF 1913.

A REGULATION TO REGULATE THE USE OF MOTOR VEHICLES IN MYSORE.

Received the assent of His Highness the Maharaja on the 26th September 1913.

WHEREAS it is expedient to regulate the use of motor vehicles in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

Short title.

1. (1) This Regulation may be called the Mysore Motor Vehicles Regulation, 1913.

Local extent.

(2) It extends to the whole of Mysore.

Commencement.

(3) It shall come into force on the 1st day of October 1913.

2. (1) "Motor Vehicles" shall include all vehicles constructed to be propelled, entirely or partially, by mechanical means on roads.

Definitions. Motor Vehicles.

(2) "Registering Officer" shall mean the Inspector-General of Police or any other person who may be appointed by Government either by name or by virtue of his office for registering motor vehicles within a particular area.

"Registering Officer."

3. After three months from the date on which this Regulation comes into force, and after the owner has had reasonable oppor-

the same, no person shall drive a motor vehicle on a public road or thoroughfare unless it has been registered under this Regulation or under any similar enactment in force for the time being in any part of British India or in the Civil and Military Station, Bangalore.

4. (1) A license to drive a motor vehicle may be granted by the District Magistrate or such other authority as may from time to time be empowered by Government by notification in the Gazette, to any person over the age of 18 years, applying for it on payment of a fee of Rs. 2.

(2) Every license shall remain in force for a period of 12 months from the date on which it is granted, but shall be renewable, and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

(3) Subject to the control of Government, the licensing Officer may refuse to grant or renew a license, or may cancel a subsisting license; but in all such cases, he shall previously give notice to the person applying for the license or its renewal, or the holder of the license to appear before him, either in person or by an agent, at a place and time to be specified in such notice and to show cause why the application for the grant or the renewal of the license should not be refused, or why the license should not be cancelled for all or any of the reasons specified in such notice and may, after hearing him or his agent, if either of them appears, refuse the application for the grant or renewal of the license, or may cancel the license for all or any of such reasons to be recorded in writing and may, where the license is cancelled, require the license-holder to surrender the same within a time to be specified in such requisition.

5. The holder of a license shall not lend it to, or allow it to be used by, any other person and shall surrender it on being required to do so under Section 4.

6. The driver of a motor vehicle shall produce his license upon demand by any Police officer above the rank of a constable who is in uniform or wears other sufficient indications of his office.

7. The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary—

(a) when requested to do so by any Police officer who is in uniform or wears other sufficient indications of his office for the purpose of regulating traffic or of ascertaining his name and address in view to prosecute such person under this Regulation or for any purpose connected with the enforcement of the provisions of this Regulation and the rules framed thereunder, or any other law for the time being in force, or

(b) when requested to do so by any person having charge of a horse or other animal (whether led, driven or ridden) which appears to be frightened by the motor vehicle, or

(c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle on the road, and

he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle.

8. During the period, between half an hour after sunset and one hour before sunrise, the person in charge of a motor vehicle shall carry attached thereto lights of such description and so situated as the Government may, by rule under

9. (1) The Government may, after previous publication, make rules to regulate the use of motor vehicles in the whole or any part of Mysore.

Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules under this section containing directions as to all or any of the following matters, namely:—

- (a) the conditions under which the motor vehicles may be registered, the fee payable for registration, and the notification of changes of ownership to the registering officer;
- (b) the assignment of distinguishing numbers to motor vehicles on registration and the display thereof in prominent positions on the vehicles;
- (c) the provision and use on motor vehicles of adequate brakes or other means of stoppage and the testing of their efficiency;
- (d) the provision and use on motor vehicles of bells, horns or other instruments for giving audible and sufficient warning of their approach or position; and the prohibition of the use of any particular signal by other vehicles than motors;
- (e) the description of lights to be carried on motor vehicles and the position in which they should be placed;
- (f) the conditions under which licenses to drivers of motor vehicles may be granted, renewed or cancelled;
- (g) the speed at which motor vehicles may be driven;
- (h) the precautions to be observed when motor vehicles are standing in any street or public place;
- (i) for prohibiting the driving of motor vehicles in any place where their use may be attended with danger to the public; or regulating the hours within which motor vehicles may be driven, or the hours within which no vehicle other than a motor vehicle shall be driven in any such place;
- (j) generally, for preventing danger or injury to persons, animals, vehicles or goods by motor vehicles and for preventing obstruction to traffic by them.

10. After three months from the date on which this Regulation comes into force, and after he has had reasonable opportunity of obtaining a license under this Regulation no person shall drive a motor vehicle, without such license or a license granted under a similar enactment in force in British India or in the Civil and Military Station, Bangalore, on a public road or thoroughfare or employ so to drive a motor vehicle any person who is not so licensed.

No person may drive without license.

11. (1) The Government may, by the publication of a notification prohibit within any local area or along any road specified in such notification the letting or plying for hire of any motor vehicle, except under a permit granted by them, or by such officer, if any, as they may appoint in this behalf, subject to such general or special conditions as the Government or such officer may see fit to prescribe.

Power of Government to prohibit letting or plying for hire, except under permit.

(2) The grant of any such permit shall be at the absolute discretion of the Government, or of such officer subject to the control of the Government.

Provided that the grant of a permit under sub-section (1) shall not in any way hinder or restrict the grant of another permit to any other person.

12. Any person committing a breach of sections 3, 5, 6, 7, 8, 10 and 11 or of any rule made under section 9, shall on conviction be liable to a fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction

Penalty for breach of certain sections or rules.

13. No offence punishable under this Regulation shall be enquired into and Enquiry into and trial of offences. tried by a Magistrate of the 3rd class.

14. Notwithstanding anything hereinbefore contained, the Government may, by the publication of a notification, exempt, either generally or for a specified period, any particular motor vehicles or classes of motor vehicles from the operation of all or any of the provisions of this Regulation, and may vary or rescind such notification.

M. VISVESVARAYA,
Dewan.

NOTIFICATION.

Camp No. A., dated Mysore, 11th October 1913.

In exercise of the power conferred by Section 5 of the Mysore Legislative Council Regulation, 1907, and in supersession of the rules issued under Notification No. J. 794, dated 15th September 1909, as amended by Notification No. J. 444—Legis. 7-11 1, dated 2nd August 1911, the Government of His Highness the Maharaja are pleased to make the following rules as to the conditions under which four non-official members of the Legislative Council may be selected for nomination:—

- I. The nomination to four places on the Legislative Council may be made by Government from among the members of the Representative Assembly, the persons to be nominated being selected in the manner explained in the following rules.—
- II. (1) At a meeting of the members of the Representative Assembly, to be held at such place and at such time during the annual session of the Assembly as may be fixed by Government, the members will be requested to vote for four members of the Assembly for nomination by Government to the Legislative Council.
- (2) Members of the Representative Assembly to be elected to the Legislative Council should possess a sufficient knowledge of the English language to be able to take part in the proceedings of the Legislative Council.
- (3) Members of the Representative Assembly, who desire to stand for election, shall intimate the fact in writing to the Secretary to the Government of Mysore, General and Revenue Departments, not later than such day as may be previously notified by Government in the Official Gazette.
- (4) The names of the candidates who have signified their intention to stand for election and whose candidature may be approved by the Government, shall be notified to the members of the Representative Assembly by a list of such names being posted in a conspicuous place in the Assembly Hall on a date not later than two days before the date appointed for the election. The votes of the members shall be given only in favour of four such candidates.
- (5) The voting shall be by ballot.
- (6) An officer deputed by Government shall attend such meeting and count the votes of the members.
- (7) After the close of the meeting, the officer referred to above shall submit the voting papers to the Government with a report showing the names of the candidates voted for and the number of votes secured by each such candidate.
- (8) The Government may make such supplementary rules of procedure as

III. The four candidates who have secured the largest number of votes of the members may be nominated by Government as members of the Legislative Council.

IV. When any of the members so nominated has to vacate his seat by efflux of time under Section 6 of the Regulation, an election shall be held for filling up the vacancy in accordance with these rules at the annual session of the Assembly either immediately preceding, or immediately following, the date of such vacancy, whichever is nearer. In case of a vacancy occurring otherwise than by efflux of time, an election to fill up the vacancy shall be held in accordance with these rules, at the next succeeding session.

NOTIFICATION.

Camp No. B., dated 11th October 1913.

Under paras I and IV of the rules prescribed by Notification Camp No. A, dated 11th October 1913, it is hereby notified that elections for the nomination of four non-official members to the Legislative Council on the recommendation of the members of the Representative Assembly, will be held at the Public Offices, Mysore, at 12 noon on Thursday, the 16th October 1913.

Under para II (3) of the rules referred to above, members of the Assembly who desire to stand for election should intimate the fact in writing to the Secretary to Government, General and Revenue Departments, not later than Monday, the 13th October 1913.

By Order,

K. R. SRINIVASIENGAR,

*Secretary to Government,
General and Revenue Departments.*

NOTIFICATION.

No. 4044—L. B. 330-11-5, dated Bangalore, 2nd October 1913.

Under Section 5 of the Mysore Public Conveyance Regulation, VII of 1911, the Government are pleased to make the following rules for the regulation and control of Public Conveyances in the area under the control of the Kolar Gold Fields Sanitary Board. These rules when published in three successive issues of the official Gazette will have the force of law.

1. These rules are applicable not only to Public Conveyances that are kept for hire within the area under the control of the Kolar Gold Fields Sanitary Board but also to all public conveyances, except bullock carts, that, though not kept for hire, habitually ply for hire in that area.

2. Every hackney carriage shall be annually licensed by the registering officer and no person shall keep, or offer, or ply for hire, any hackney carriage except under license granted in that behalf under these rules.

Note.—The Registering Officer shall be the officer, for the time being, holding the office of the District Superintendent of Police.

3. Any license granted under these rules shall ordinarily continue in force until the 30th day of June after the grant of such license.

4. The Registering Officer shall receive applications for, and shall grant or refuse, licenses as he may think fit. Licenses shall be granted to owners subject to all the provisions contained in these rules and to the following conditions:—

(1) That the carriage is in good order and repair in all its parts.

(2) That it is provided with two lamps in the case of carriages of 1st, 2nd and 3rd classes, and with one lamp in the case of those of the 4th class.

- (3) That the horse is not or the horses are not less than the height named in the class in which the vehicle is licensed, *viz.*, 14-2 high for the 1st and 2nd class and 11-3 hands for the 3rd class, and that no animal shall be worked at less than three years of age.

He shall class every hackney carriage at his discretion in one of the four following classes:—

1. First class carriage.
2. Second do
3. Third class, jutkas.
4. Fourth class, bullock carts.

5. The horses and ponies to be used in licensed carriages shall be thoroughly broken to harness, in good condition, free from sores, and fit for public use. The harness shall be complete and in serviceable order. Each driver should have a whip. The use of sticks or leather straps is prohibited.

6. Two lamps lit with candles as ordinarily used shall be carried by 1st and 2nd class carriages. Oil may be substituted in the case of other classes of carriages provided the light is bright. Bullock carts shall have one lamp to be fastened on the right hand side of the cart. The lamp should be wind-proof and in good order.

7. Licensed carriages should be kept in good repair and sound as to their springs, doors and windows.

8. The license to be granted by the Registering Officer shall be in the form given in Schedule B of these rules.

9. (a) The Registering Officer may cause to be painted on some conspicuous part of the carriage all or any of the following particulars:—
- (1) Its number and class.
 - (2) The year of license.
 - (3) The number of passengers it is licensed to carry.

The painting shall be done in the office of the District Superintendent of Police and the cost shall be included in the license fee.

(b) If the words or figures so painted shall, during the time of license, become indistinct or obliterated, the owner of the carriage shall produce it without delay before the Registering Officer and apply to have such words or figures renewed.

(c) The owner of a 1st or 2nd class hackney carriage shall, on receipt of a license, affix to his premises, if situate within the Kolar Gold Fields, a board on which shall be painted his name and his hackney carriage license number.

(d) Every owner of a hackney carriage shall, on the expiry, revocation, or suspension of his hackney carriage license, forthwith remove the figures or words so painted on his carriage.

10. The following fees shall be paid to the Registering Officer for each license:—

* First class carriage	....	....	Rs. 3 per annum.
* Second do	....	....	Rs. 2 do
Third class, jutkas	....	....	Re. 1 do
Fourth class, bullock carts	....	....	Annas 8 do

* If drawn by a pair of horses, double these fees.

A license in the form given in Schedule B shall only be given for a turn-out including horse, carriage and harness, but spare carriages and horses shall, if the Registering Officer thinks fit, be registered separately as entitled to ply for hire under these rules, the following fees being charged for such registration:—

First class carriage	....	....	....	Rs. 2
Second do	....	....	....	Re. 1½
Horse	....	....	....	Re. 1

Drivers' Licenses.

11. Every driver of a hackney carriage shall be annually licensed by the Registering Officer, who may refuse to issue such a license to any one under 18 years of age or to any one who has not been approved by him and no person shall drive any hackney carriage, nor shall any owner of a hackney carriage permit any person to drive such hackney carriage, except under license granted in that behalf under these rules.

For every license granted under this rule, there shall be paid annually a fee of one rupee for drivers of 1st and 2nd class carriages and jutkas, and a fee of 8 annas for drivers of bullock carts.

12. The license to be granted to a driver of a 1st or 2nd class carriage shall be in the form given in Schedule C of these rules, and to a driver of a jutka or a bullock cart in the form given in Schedule D. Such licenses shall be accompanied by a metal badge bearing the number of the license.

13. A licensed driver when acting as such (1) shall keep to his own left side of the road and not overtake or pass another carriage except on the right hand side of that carriage, (2) shall light his lamps and keep them alight, half an hour after sunset and half an hour before sunrise, (3) shall stand in line with his carriage and keep proper order when at a carriage stand specially provided by the board for this purpose. He shall not take up position on any hackney carriage stand which already contains the full complement of hackney carriages authorized for such stand by the Registering Officer. He shall not loiter or cause obstruction in public roads or thoroughfares or in any place where the public resort.

14. Every driver of a first or second class carriage shall be properly and cleanly clad when acting as such. He shall wear a turban neatly folded, a long coat extending below the hips, and trousers reaching to the ankles. Over the coat he shall wear a waist belt not less than 4 inches wide, to which his metal badge shall be affixed above the right hip.

Miscellaneous.

15. The fare which may be demanded for the hire of a hackney carriage shall not exceed that specified in Schedule A of these rules.

16. The maximum number of persons to be carried by each description of hackney carriage is as follows:—

In a four-wheeler, four persons inside and driver and boy outside.

A wagonette with one horse, six persons including syce and driver.

A jutka, five persons including driver.

Two children under ten years of age to be reckoned as one adult person.

17. The maximum load of luggage only or of luggage and passengers which may be carried by each description of carriage shall be as follows:—

Carriage, 1st and 2nd class	by one horse	8 maunds or	672 lbs.
	drawn	by two horses:...	15 " or 1,260 "
Third class, jutkas	....	6 " or	504 "
Fourth class, bullock carts	....	5 " or	420 "

When passengers or luggage are carried, each adult person shall be considered as weighing $1\frac{1}{2}$ maund or 126 lbs. and each child under ten years of age as weighing $\frac{1}{4}$ of a maund or 63 lbs.

18. The owner of every hackney carriage, unless exempted by the Registering Officer, shall put up, and at all times keep, in such position as shall be directed by the Registering Officer, in or on such carriage a clear and legible list signed by the Registering Officer or other person authorized by him in this behalf, showing the class or number of such carriage, and the rates and fares authorized to be taken for the hire of the same.

19. No owner or driver of any hackney carriage shall, without sufficient reason, the burden of proving which shall lie on such owner or driver, at any time

no owner or driver of a hackney carriage shall be bound to carry, in such hackney carriage, any person suffering from any contagious or infectious disease.

No owner or driver shall, without previously disinfecting it, knowingly use for hire any carriage used for the conveyance of any person suffering from any contagious or infectious disease.

20. The Registering Officer may, by written order, suspend for a period not exceeding one month, or revoke, any license granted under Rule 8 or 12 for any breach of these rules or of any conditions of the license.

A license under Rule 8 or 12 shall also be subject to suspension or revocation, if the Registering Officer is satisfied that the owner or driver has misconducted himself.

21. In the case of disputes as to the fare to be paid according to distance, any table or book signed by the Registering Officer shall be taken to be conclusive evidence of all the fares and distances therein stated.

22. All property left in any hackney carriage licensed under these rules shall be forthwith deposited by the driver or owner as the case may be, in the office of the Registering Officer, or in the nearest Police Station.

23. Such property shall be returned to the person who shall prove to the satisfaction of the Registering Officer that the same belong to him, on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or owner as the Registering Officer may direct.

24. It shall be lawful for the Registering Officer, and any other person appointed or authorized by him in this behalf, at any time between sunrise and sunset, to enter any premises in which hackney carriages are kept in order to carry out any provision of these rules, and the owner of such premises or his agents shall afford every facility therefor.

25. On expiry, revocation, or suspension of any license granted under Rule 8 or 12, the licensee shall forthwith return such license to the Registering Officer and shall, in the case of any license granted under Rule 11 at the same time deliver up any badge issued with such license.

26. Prosecutions for breach of these rules may be instituted by any Police Officer or any other person authorized by the Registering Officer in writing.

27. All fees received, and all expenses incurred by the Registering Officer, in giving effect to these rules shall be credited and debited respectively to the funds of the Kolar Gold Fields Sanitary Board; but the Registering Officer shall not incur any expenditure in excess of the receipts without the sanction of the Sanitary Board.

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government,
General and Revenue Departments.

SCHEDULE A.

Fares by time.

Class of vehicles	For 1 hour or less	For every additional hour or part of an hour before midnight	For every additional hour or part of an hour after midnight	Remarks
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1st, drawn by 1 horse	1 0 0	0 6 0	0 8 0	If drawn by a pair of horses, double these fares.
2nd, drawn by 1 horse	1 0 0	0 4 0	0 6 0	
3rd, jutka, by 1 horse	0 6 0	0 3 0	0 4 0	
4th, bullock cart	0 4 0	0 2 0	0 3 0	

Note.—These fares are subject to a maximum of Rs. 3-8-0, 3-0-0, 2-0-0, and 1-4-0 according to class for twelve hours from 5 A.M. to midnight; and to a maximum of Rs. 5-0-0, 4-0-0, 2-8-0 and Rs. 1-8-0 respectively when the number of hours is less than twelve.

Fares by distance.

Distance	1st class	2nd class	Distance	3rd class, jutkas	4th class, bullock carts
1	2	3	4	5	6
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
For 3 miles and under	1 0 0	0 12 0	For a mile or portion of a mile.	.....	.....
For every succeeding mile or a portion of a mile beyond a mile.	0 4 0	0 3 0		0 2 0	0 1 6

N. B.—The minimum speed at which a first and second class carriage hired by time shall be driven is 6 miles per hour, jutka 5 miles and bullock cart 2 miles an hour, respectively. The above fares to be paid according to time, unless at the commencement of hiring, the hirer expresses his intention of paying according to distance.

Any contract entered into to accept a fare lower than the fare above fixed, shall be binding.

SCHEDULE B.

Owner's license

Hackney Carriage License No.

Class

Stamp of
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to keep at your premises at.....and to let for hire the.....numbered as above from the date hereof till the 30th June 19 on the conditions hereunder written:—

- 1st. That it shall be drawn by....
- 2nd. That it shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge a reasonable quantity of luggage, for each passenger.
- 3rd. That it shall ply for hire on the Kolar Gold Fields.
- 4th. That it shall be produced for inspection at such place and time as may be directed by me.
- 5th. That in the event of its being damaged, you may with no previous sanction in writing, use temporarily another carriage to which this license number shall be transferred free of charge.
- 6th. That you shall keep it, together with the horses and harness used therewith in proper and serviceable condition.
- 7th. That as often as you change your residence or the premises in which you keep this carriage you shall give me notice thereof in writing within one week of such change submitting at the same time this license for the necessary alteration.
- 8th. That the license shall not be transferred to any other person without my written sanction.

Given under my hand and seal this day of.....

Registering Officer,
Kolar Gold Fields.

SCHEDULE C.

1st and 2nd class Hackney
Carriage Driver's License No. }

Stamp of the
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to ply for hire and pursue the occupation of Driver in the service of Hackney Carriage owner.....in any

part of the Kolar Gold Fields, from the date hereof till the 30th June 19 on the conditions hereunder written :—

- 1st. That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.
- 2nd. That you shall, at all times when engaged in your said occupation, have with you this license and shall produce the same when required by any passenger, or any Magistrate, or any Police Officer on duty, or any person employed or authorized by me in this behalf.
- 3rd. That you shall, when engaged for hire, drive Mr.....'s carriage to any place within the limits of the Kolar Gold Fields, to which you may be required by the hirer thereof to drive.
- 3rd A. That the carriage shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge, a reasonable quantity of luggage for each passenger.
- 4th. That you shall not, when engaged for hire, leave this carriage without the permission of the hirer or wilfully desert from such hiring before being discharged by the hirer.
- 5th. That this license or its accompanying badge be not transferred to any other person except at the request of the owner of this carriage and with my written sanction.

Given under my hand and seal this.....day.....of.....

Registering Officer,
Kolar Gold Fields.

SCHEDULE D.

Jutka or bullock cart
Driver's License No. }

Stamp of
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to ply for hire and pursue the occupation of driver in the service of Jutka Bullock cart owner.....in any part of the Kolar Gold Fields, from the date hereof till the 30th June 19 on the conditions hereunder written :—

- 1st. That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.
- 2nd. That you shall, at all times when engaged in your said occupation, have with you this license and shall produce the same, when required by any passenger, or any Magistrate, or any Police Officer on duty, or any person employed or authorized by me in this behalf.
- 2nd A. That the Jutka Bullock cart shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge a reasonable quantity of luggage for each passenger.
- 3rd. That the license or its accompanying badge shall not be transferred to any other person without my written sanction.

Given under my hand and seal this.....day of.....

Registering Officer,
Kolar Gold Fields.

REGULATION No. V OF 1913.

THE ELEMENTARY EDUCATION REGULATION.

(Received the assent of His Highness the Maharaja on the 11th day of October 1913.)

Whereas it is expedient to make better provision for the extension of elementary education; His Highness the Maharaja is pleased to enact as follows:—

1. (1) This Regulation may be called the 'Elementary Education Regulation, 1913'; and shall come into operation in such areas and from such dates as may be notified by Government.
Short title, commencement and extent.

(2) It extends to the whole of Mysore.

2. In this Regulation, unless there is anything repugnant in the subject or context.—

Definition.

"Parent" includes the guardian and every person who is liable to maintain any child.

"Education Department" means the Government of Mysore in the Education Department or the Inspector-General of Education in Mysore acting under the Government of Mysore in matters connected with public instruction in Mysore.

"Recognised School" means a school recognised by the Education Department for the purposes of this Regulation.

"Elementary Education" means the courses in reading, writing and arithmetic and other subjects, if any, prescribed from time to time by the Education Department for elementary schools for the purposes of this Regulation.

3. In every area to which this Regulation applies, it shall be the duty of the parent of every boy, not under 7 and not over 11 years of age, residing within such area, to cause such boy to attend a recognised school for elementary education for so many days in the year and for such time on each day of attendance as may be prescribed by the Education Department, unless there is a reasonable excuse for the non-attendance of the boy.
Duty of parent to send boy to school.

4. (1) Any of the following circumstances is a reasonable excuse for non-attendance:—

Non-attendance when excusable.

(a) that there is no recognised school within a distance of one mile measured along the nearest road from the residence of the boy which the boy can attend;

(b) that the boy is prevented from attending school by reason of sickness, infirmity, domestic necessity, the seasonal needs of agriculture, or other sufficient cause;

(c) that the boy is receiving instruction in some other satisfactory manner; and

(d) that the boy has been exempted from such attendance by proper authority.

(2) Where there is a reasonable excuse for non-attendance, a certificate of exemption may be granted by such authority and in such manner as may be prescribed by Government.

5. If in a recognised school in any area to which this Regulation applies religious classes are held, no boy shall be compelled to attend such classes against the wishes of his parent.
No compulsion regarding attendance of religious classes.

6. In any place to which a notification under Section 1 applies, no person shall employ any boy between the ages of 7 and 11 who is not receiving elementary education in a recognised school or has not obtained a certificate of exemption under Section 4.
Prohibition of boy's employment.

7. For the purpose of enforcing the provisions of this Regulation and rules framed thereunder, one or more School Committees may be appointed for each specified area with such powers and in such manner as may be prescribed.

Appointment of School Committees.

8. (a) A parent who, without lawful excuse fails to send to a recognised school a boy, to whom Section 3 of this Regulation applies, shall be liable on conviction before a Magistrate to a fine not exceeding Rs. 2 provided that a warning in writing shall have been served on the parent by a School Committee or by an Inspecting Officer of the Education Department not lower in rank than an Assistant Deputy Inspector of Schools.

Prosecution of parent.

(b) In cases of repeated non-compliance, the parent shall, on conviction, before a Magistrate be liable to a fine not exceeding Rs. 10.

Penalty for repeated non-compliance.

9. Any person who knowingly employs any boy in contravention of the provisions of Section 6 shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20.

Employer's liability.

10. The Government may exempt particular classes or communities from the operation of this Regulation.

Exemption from operation of Regulation.

11. The Government may, by notification in the Gazette, extend the provisions of this Regulation and the rules prescribed thereunder relating to boys within any area to the case of girls also residing in the said area.

Extension of Regulation to girls.

12. The Government may, by notification in the Gazette, make rules to provide—

(1) for the exercise of the powers of recognising schools and courses of instruction for the purposes of this Regulation,

(2) by whom and in what manner and to what extent exemption certificates may be granted under Section 4, Sub-Section (2),

(3) for the appointment of School Committees and to define their powers and duties and to regulate in what manner they shall be exercised,

(4) by what authorities and in what manner warning shall be given to parents before the launching of a prosecution before a Magistrate, and

(5) generally for more efficiently carrying out the provisions of this Regulation.

M. VISVESVARAYA,

Dewan.



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PART III.

Legislative Measures and Rules thereunder.

REGULATION No. IV OF 1913.

A REGULATION TO REGULATE THE USE OF MOTOR VEHICLES IN MYSORE.

Received the assent of His Highness the Maharaja on the 26th September 1913.

WHEREAS it is expedient to regulate the use of motor vehicles in Mysore; His Highness the Maharaja is pleased to enact as follows :—

Preamble.

Short title.

1. (1) This Regulation may be called the Mysore Motor Vehicles Regulation, 1913.

Local extent.

(2) It extends to the whole of Mysore.

Commencement.

(3) It shall come into force on the 1st day of October 1913.

2. (1) " Motor Vehicles " shall include all vehicles constructed to be propelled, entirely or partially, by mechanical means on roads.

Definitions. Motor Vehicles.

(2) " Registering Officer " shall mean the Inspector-General of Police or any other person who may be appointed by Government either by name or by virtue of his office for registering motor vehicles within a particular area.

" Registering Officer."

3. After three months from the date on which this Regulation comes into force, and after the owner has had reasonable opportunity for having the motor vehicle registered under

Registration of Motor Vehicles.

the same, no person shall drive a motor vehicle on a public road or thoroughfare unless it has been registered under this Regulation or under any similar enactment in force for the time being in any part of British India or in the Civil and Military Station, Bangalore.

4. (1) A license to drive a motor vehicle may be granted by the District Magistrate or such other authority as may from time to time be empowered by Government by notification in the Gazette, to any person over the age of 18 years, applying for it on payment of a fee of Rs. 2.

Grant of license.

(2) Every license shall remain in force for a period of 12 months from the date on which it is granted, but shall be renewable, and the same provisions shall apply to the renewal of the license as apply to the grant thereof.

Duration and renewal of license.

(3) Subject to the control of Government, the licensing Officer may refuse to grant or renew a license, or may cancel a subsisting license; but in all such cases, he shall previously give notice to the person applying for the license or its renewal, or the holder of the license to appear before him, either in person or by an agent, at a place and time to be specified in such notice and to show cause why the application for the grant or the renewal of the license should not be refused, or why the license should not be cancelled for all or any of the reasons specified in such notice and may, after hearing him or his agent, if either of them appears, refuse the application for the grant or renewal of the license, or may cancel the license for all or any of such reasons to be recorded in writing and may, where the license is cancelled, require the license-holder to surrender the same within a time to be specified in such requisition.

Refusal to grant or renew license and cancellation of license.

5. The holder of a license shall not lend it to, or allow it to be used by, any other person and shall surrender it on being required to do so under Section 4.

Transfer and surrender of license.

6. The driver of a motor vehicle shall produce his license upon demand by any Police officer above the rank of a constable who is in uniform or wears other sufficient indications of his office.

Production of license.

7. The person in charge of a motor vehicle shall cause the vehicle to stop and to remain stationary so long as may reasonably be necessary—

Obligation to stop vehicle for regulating traffic and in case of accident.

(a) when requested to do so by any Police officer who is in uniform or wears other sufficient indications of his office for the purpose of regulating traffic or of ascertaining his name and address in view to prosecute such person under this Regulation or for any purpose connected with the enforcement of the provisions of this Regulation and the rules framed thereunder, or any other law for the time being in force, or

(b) when requested to do so by any person having charge of a horse or other animal (whether led, driven or ridden) which appears to be frightened by the motor vehicle, or

(c) when he knows or has reason to believe that an accident has occurred to any person or to any animal or vehicle in charge of a person owing to the presence of the motor vehicle on the road, and

he shall also, if so required, give his name and address and the name and address of the owner of such motor vehicle.

8. During the period, between half an hour after sunset and one hour before sunrise, the person in charge of a motor vehicle shall carry attached thereto lights of such description and so situated as the Government may, by rule under section 9, direct.

Obligation to carry lights attached to vehicles.

9. (1) The Government may, after previous publication, make rules to regulate the use of motor vehicles in the whole or any part of Mysore.

Power of Government to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, the Government may make rules under this section containing directions as to all or any of the following matters, namely :—

- (a) the conditions under which the motor vehicles may be registered, the fee payable for registration, and the notification of changes of ownership to the registering officer ;
- (b) the assignment of distinguishing numbers to motor vehicles on registration and the display thereof in prominent positions on the vehicles ;
- (c) the provision and use on motor vehicles of adequate brakes or other means of stoppage and the testing of their efficiency ;
- (d) the provision and use on motor vehicles of bells, horns or other instruments for giving audible and sufficient warning of their approach or position ; and the prohibition of the use of any particular signal by other vehicles than motors ;
- (e) the description of lights to be carried on motor vehicles and the position in which they should be placed ;
- (f) the conditions under which licenses to drivers of motor vehicles may be granted, renewed or cancelled ;
- (g) the speed at which motor vehicles may be driven ;
- (h) the precautions to be observed when motor vehicles are standing in any street or public place ;
- (i) for prohibiting the driving of motor vehicles in any place where their use may be attended with danger to the public ; or regulating the hours within which motor vehicles may be driven, or the hours within which no vehicle other than a motor vehicle shall be driven in any such place ;
- (j) generally, for preventing danger or injury to persons, animals, vehicles or goods by motor vehicles and for preventing obstruction to traffic by them.

10. After three months from the date on which this Regulation comes into force, and after he has had reasonable opportunity of obtaining a license under this Regulation no person shall drive a motor vehicle, without such license or a license granted under a similar enactment in force in British India or in the Civil and Military Station, Bangalore, on a public road or thoroughfare or employ so to drive a motor vehicle any person who is not so licensed.

No person may drive without license.

11. (1) The Government may, by the publication of a notification prohibit within any local area or along any road specified in such notification the letting or plying for hire of any motor vehicle, except under a permit granted by them, or by such officer, if any, as they may appoint in this behalf, subject to such general or special conditions as the Government or such officer may see fit to prescribe.

Power of Government to prohibit letting or plying for hire, except under permit.

(2) The grant of any such permit shall be at the absolute discretion of the Government, or of such officer subject to the control of the Government.

Provided that the grant of a permit under sub-section (1) shall not in any way hinder or restrict the grant of another permit to any other person.

12. Any person committing a breach of sections 3, 5, 6, 7, 8, 10 and 11 or of any rule made under section 9, shall on conviction be liable to a fine which may extend to fifty rupees, or, in the case of a second or subsequent conviction, to one hundred rupees.

Penalty for breach of certain sections or rules.

13. No offence punishable under this Regulation shall be enquired into and Enquiry into and trial of offences. tried by a Magistrate of the 3rd class.

14. Notwithstanding anything hereinbefore contained, the Government may, by the publication of a notification, exempt, either generally or for a specified period, any particular motor vehicles or classes of motor vehicles from the operation of all or any of the provisions of this Regulation, and may vary or rescind such notification.

M. VISVESVARAYA,
Dewan.

NOTIFICATION.

No. 4044—L. B. 330-11-5, dated Bangalore, 2nd October 1913.

Under Section 5 of the Mysore Public Conveyance Regulation, VII of 1911, the Government are pleased to make the following rules for the regulation and control of Public Conveyances in the area under the control of the Kolar Gold Fields Sanitary Board. These rules when published in three successive issues of the official Gazette will have the force of law.

1. These rules are applicable not only to Public Conveyances that are kept for hire within the area under the control of the Kolar Gold Fields Sanitary Board but also to all public conveyances, except bullock carts, that, though not kept for hire, habitually ply for hire in that area.

2. Every hackney carriage shall be annually licensed by the registering officer and no person shall keep, or offer, or ply for hire, any hackney carriage except under license granted in that behalf under these rules.

Note.—The Registering Officer shall be the officer, for the time being, holding the office of the District Superintendent of Police.

3. Any license granted under these rules shall ordinarily continue in force until the 30th day of June after the grant of such license.

4. The Registering Officer shall receive applications for, and shall grant or refuse, licenses as he may think fit. Licenses shall be granted to owners subject to all the provisions contained in these rules and to the following conditions:—

- (1) That the carriage is in good order and repair in all its parts.
- (2) That it is provided with two lamps in the case of carriages of 1st, 2nd and 3rd classes, and with one lamp in the case of those of the 4th class.
- (3) That the horse is not or the horses are not less than the height named in the class in which the vehicle is licensed, viz., 14-2 high for the 1st and 2nd class and 11-3 hands for the 3rd class, and that no animal shall be worked at less than three years of age.

He shall class every hackney carriage at his discretion in one of the four following classes:—

1. First class carriage.
2. Second do
3. Third class, jutkas.
4. Fourth class, bullock carts.

5. The horses and ponies to be used in licensed carriages shall be thoroughly broken to harness, in good condition, free from sores, and fit for public use. The harness shall be complete and in serviceable order. Each driver should have a whip. The use of sticks or leather straps is prohibited.

6. Two lamps lit with candles as ordinarily used shall be carried by 1st and 2nd class carriages. Oil may be substituted in the case of other classes of carriages provided the light is bright. Bullock carts shall have one lamp to be fastened on the right hand side of the cart. The lamp should be wind-proof and in good order.

7. Licensed carriages should be kept in good repair and sound as to their springs, doors and windows.

8. The license to be granted by the Registering Officer shall be in the form given in Schedule B of these rules.

9. (a) The Registering Officer may cause to be painted on some conspicuous part of the carriage all or any of the following particulars:—

- (1) Its number and class.
- (2) The year of license.
- (3) The number of passengers it is licensed to carry.

The painting shall be done in the office of the District Superintendent of Police and the cost shall be included in the license fee.

(b) If the words or figures so painted shall, during the time of license, become indistinct or obliterated, the owner of the carriage shall produce it without delay before the Registering Officer and apply to have such words or figures renewed.

(c) The owner of a 1st or 2nd class hackney carriage shall, on receipt of a license, affix to his premises, if situate within the Kolar Gold Fields, a board on which shall be painted his name and his hackney carriage license number.

(d) Every owner of a hackney carriage shall, on the expiry, revocation, or suspension of his hackney carriage license, forthwith remove the figures or words so painted on his carriage.

10. The following fees shall be paid to the Registering Officer for each license:—

* First class carriage	....	....	Rs. 3. per annum.
* Second do	....	....	Rs. 2 do
Third class, jutkas	....	....	Re. 1 do
Fourth class, bullock carts	....	....	Annas 8 do

* If drawn by a pair of horses, double these fees.

A license in the form given in Schedule B shall only be given for a turn-out including horse, carriage and harness, but spare carriages and horses shall, if the Registering Officer thinks fit, be registered separately as entitled to ply for hire under these rules, the following fees being charged for such registration:—

First class carriage	....	....	....	Rs. 2
Second do	....	....	....	Re. 1½
Horse	....	....	....	Re. 1
Jutka pony	....	....	....	Annas 8

Drivers' Licenses.

11. Every driver of a hackney carriage shall be annually licensed by the Registering Officer, who may refuse to issue such a license to any one under 18 years of age or to any one who has not been approved by him and no person shall drive any hackney carriage, nor shall any owner of a hackney carriage permit any person to drive such hackney carriage, except under license granted in that behalf under these rules.

For every license granted under this rule, there shall be paid annually a fee of one rupee for drivers of 1st and 2nd class carriages and jutkas, and a fee of 8 annas for drivers of bullock carts.

12. The license to be granted to a driver of a 1st or 2nd class carriage shall be in the form given in Schedule C of these rules, and to a driver of a jutka or a bullock cart in the form given in Schedule D. Such licenses shall be accompanied by a metal badge bearing the number of the license.

13. A licensed driver when acting as such (1) shall keep to his own left side of the road and not overtake or pass another carriage except on the right hand side of that carriage, (2) shall light his lamps and keep them alight, half an hour after sunset and half an hour before sunrise, (3) shall stand in line with his carriage and keep proper order when at a carriage stand specially provided by the board for this purpose. He shall not take up position on any hackney carriage stand which already contains the full complement of hackney carriages authorized for such stand by the Registering Officer. He shall not loiter or cause obstruction in public roads or thoroughfares or in any place where the public resort.

14. Every driver of a first or second class carriage shall be properly and cleanly clad when acting as such. He shall wear a turban neatly folded, a long coat extending below the hips, and trousers reaching to the ankles. Over the coat he shall wear a waist belt not less than 4 inches wide, to which his metal badge shall be affixed above the right hip.

Miscellaneous.

15. The fare which may be demanded for the hire of a hackney carriage shall not exceed that specified in Schedule A of these rules.

16. The maximum number of persons to be carried by each description of hackney carriage is as follows:—

In a four-wheeler, four persons inside and driver and boy outside.

A wagonette with one horse, six persons including syce and driver.

A jutka, five persons including driver.

Two children under ten years of age to be reckoned as one adult person.

17. The maximum load of luggage only or of luggage and passengers which may be carried by each description of carriage shall be as follows:—

Carriage, 1st and 2nd class	by one horse	8 maunds or	672 lbs.
drawn	by two horses....	15 ,, or	1,260 ,,
Third class, jutkas	....	6 ,, or	504 ,,
Fourth class, bullock carts	....	5 ,, or	420 ,,

When passengers or luggage are carried, each adult person shall be considered as weighing $1\frac{1}{2}$ maund or 126 lbs. and each child under ten years of age as weighing $\frac{3}{4}$ of a maund or 63 lbs.

18. The owner of every hackney carriage, unless exempted by the Registering Officer, shall put up, and at all times keep, in such position as shall be directed by the Registering Officer, in or on such carriage a clear and legible list signed by the Registering Officer or other person authorized by him in this behalf, showing the class or number of such carriage, and the rates and fares authorized to be taken for the hire of the same.

19. No owner or driver of any hackney carriage shall, without sufficient reason, the burden of proving which shall lie on such owner or driver, at any time refuse to let such hackney carriage for hire to any person demanding the same but no owner or driver of a hackney carriage shall be bound to carry, in such hackney carriage, any person suffering from any contagious or infectious disease.

No owner or driver shall, without previously disinfecting it, knowingly use for hire any carriage used for the conveyance of any person suffering from any contagious or infectious disease.

20. The Registering Officer may, by written order, suspend for a period not exceeding one month, or revoke, any license granted under Rule 8 or 12 for any breach of these rules or of any conditions of the license.

A license under Rule 8 or 12 shall also be subject to suspension or revocation, if the Registering Officer is satisfied that the owner or driver has misconducted himself.

21. In the case of disputes as to the fare to be paid according to distance, any table or book signed by the Registering Officer shall be taken to be conclusive evidence of all the fares and distances therein stated.

22. All property left in any hackney carriage licensed under these rules shall be forthwith deposited by the driver or owner as the case may be, in the office of the Registering Officer, or in the nearest Police Station.

23. Such property shall be returned to the person who shall prove to the satisfaction of the Registering Officer that the same belong to him, on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or owner as the Registering Officer may direct.

24. It shall be lawful for the Registering Officer, and any other person appointed or authorized by him in this behalf, at any time between sunrise and sunset, to enter any premises in which hackney carriages are kept in order to carry out any provision of these rules, and the owner of such premises or his agents shall afford every facility therefor.

25. On expiry, revocation, or suspension of any license granted under Rule 8 or 12, the licensee shall forthwith return such license to the Registering Officer and shall, in the case of any license granted under Rule 11 at the same time deliver up any badge issued with such license.

26. Prosecutions for breach of these rules may be instituted by any Police Officer or any other person authorized by the Registering Officer in writing.

27. All fees received, and all expenses incurred by the Registering Officer, in giving effect to these rules shall be credited and debited respectively to the funds of the Kolar Gold Fields Sanitary Board; but the Registering Officer shall not incur any expenditure in excess of the receipts without the sanction of the Sanitary Board.

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government,
General and Revenue Departments.

SCHEDULE A.

Fares by time.

Class of vehicles	For 1 hour or less	For every additional hour or part of an hour before midnight	For every additional hour or part of an hour after midnight	Remarks
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1st, drawn by 1 horse. ...	1 0 0	0 6 0	0 8 0	If drawn by a pair of horses, double these fares.
2nd, drawn by 1 horse. ...	1 0 0	0 4 0	0 6 0	
3rd, jutka, by 1 horse. ...	0 6 0	0 3 0	0 4 0	
4th, bullock cart. ...	0 4 0	0 2 0	0 3 0	

Note.—These fares are subject to a maximum of Rs. 3-8-0, 3-0-0, 2-0-0, and 1-4-0 according to class for twelve hours from 5 A.M. to midnight; and to a maximum of Rs. 5-0-0, 4-0-0, 2-8-0 and Re. 1-8-0 respectively, when the number of hours exceeds twelve.

Fares by distance.

Distance	1st class	2nd class	Distance	3rd class, jutkas	4th class, bullock carts
1	2	3	4	5	6
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
For 3 miles and under ...	1 0 0	0 12 0	For a mile or portion of a mile.	.....	.....
For every succeeding mile or a portion of a mile beyond a mile.	0 4 0	0 3 0		0 2 0	0 1 6

N. B.—The minimum speed at which a first and second class carriage hired by time shall be driven is 6 miles per hour, jutka 5 miles and bullock cart 2 miles an hour, respect-

Any contract entered into to accept a fare lower than the fare above fixed, shall be binding.

SCHEDULE B.

Owner's license
Hackney Carriage License No.
Class

Stamp of
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to keep at your premises at.....and to let for hire the.....numbered as above from the date hereof till the 30th June 19.....on the conditions hereunder written:—

- 1st. That it shall be drawn by....
- 2nd. That it shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge a reasonable quantity of luggage, for each passenger.
- 3rd. That it shall ply for hire on the Kolar Gold Fields.
- 4th. That it shall be produced for inspection at such place and time as may be directed by me.
- 5th. That in the event of its being damaged, you may with no previous sanction in writing, use temporarily another carriage to which this license number shall be transferred free of charge.
- 6th. That you shall keep it, together with the horses and harness used therewith in proper and serviceable condition.
- 7th. That as often as you change your residence or the premises in which you keep this carriage you shall give me notice thereof in writing within one week of such change submitting at the same time this license for the necessary alteration.
- 8th. That the license shall not be transferred to any other person without my written sanction.

Given under my hand and seal this day of.....

Registering Officer,
Kolar Gold Fields.

SCHEDULE C.

1st and 2nd class Hackney
Carriage Driver's License No. }

Stamp of the
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to ply for hire and pursue the occupation of Driver in the service of Hackney Carriage owner.....in any part of the Kolar Gold Fields, from the date hereof till the 30th June 19.....on the conditions hereunder written:—

- 1st. That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.
- 2nd. That you shall, at all times when engaged in your said occupation, have with you this license and shall produce the same when required by any passenger, or any Magistrate, or any Police Officer on duty, or any person employed or authorized by me in this behalf.
- 3rd. That you shall, when engaged for hire, drive Mr.....'s carriage to any place within the limits of the Kolar Gold Fields, to which you may be required by the hirer thereof to drive.

- 3rd A. That the carriage shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge, a reasonable quantity of luggage for each passenger.
- 4th. That you shall not, when engaged for hire, leave this carriage without the permission of the hirer or wilfully desert from such hiring before being discharged by the hirer.
- 5th. That this license or its accompanying badge be not transferred to any other person except at the request of the owner of this carriage and with my written sanction.

Given under my hand and seal this.....day.....of.....

Registering Officer,
Kolar Gold Fields.

SCHEDULE D.

Jutka or bullock cart }
Driver's License No. }

Stamp of
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to ply for hire and pursue the occupation of driver in the service of Jutka Bullock cart owner.....in any part of the Kolar Gold Fields, from the date hereof till the 30th June 19 on the conditions hereunder written:—

- 1st. That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.
- 2nd. That you shall, at all times when engaged in your said occupation, have with you this license and shall produce the same, when required by any passenger, or any Magistrate, or any Police Officer on duty, or any person employed or authorized by me in this behalf.

2nd A. That the Jutka Bullock cart shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge a reasonable quantity of luggage for each passenger.

3rd. That the license or its accompanying badge shall not be transferred to any other person without my written sanction.

Given under my hand and seal this.....day of.....

Registering Officer,
Kolar Gold Fields.



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BANGALORE, THURSDAY, OCTOBER 30, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 4044—L. B. 330-11-5, dated Bangalore, 2nd October 1913.

Under Section 5 of the Mysore Public Conveyance Regulation, VII of 1911, the Government are pleased to make the following rules for the regulation and control of Public Conveyances in the area under the control of the Kolar Gold Fields Sanitary Board. These rules when published in three successive issues of the official Gazette will have the force of law.

1. These rules are applicable not only to Public Conveyances that are kept for hire within the area under the control of the Kolar Gold Fields Sanitary Board but also to all public conveyances, except bullock carts, that, though not kept for hire, habitually ply for hire in that area.

2. Every hackney carriage shall be annually licensed by the registering officer and no person shall keep, or offer, or ply for hire, any hackney carriage except under license granted in that behalf under these rules.

Note.—The Registering Officer shall be the officer, for the time being, holding the office of the District Superintendent of Police.

3. Any license granted under these rules shall ordinarily continue in force until the 30th day of June after the grant of such license.

4. The Registering Officer shall receive applications for, and shall grant or refuse, licenses as he may think fit. Licenses shall be granted to owners subject to all the provisions contained in these rules and to the following conditions:—

- (1) That the carriage is in good order and repair in all its parts.
- (2) That it is provided with two lamps in the case of carriages of 1st, 2nd and 3rd classes, and with one lamp in the case of those of the 4th class.
- (3) That the horse is not or the horses are not less than the height named

1st and 2nd class and 11-3 hands for the 3rd class, and that no animal shall be worked at less than three years of age.

He shall class every hackney carriage at his discretion in one of the four following classes:—

1. First class carriage.
2. Second do
3. Third class, jutkas.
4. Fourth class, bullock carts.

5. The horses and ponies to be used in licensed carriages shall be thoroughly broken to harness, in good condition, free from sores, and fit for public use. The harness shall be complete and in serviceable order. Each driver should have a whip. The use of sticks or leather straps is prohibited.

6. Two lamps lit with candles as ordinarily used shall be carried by 1st and 2nd class carriages. Oil may be substituted in the case of other classes of carriages provided the light is bright. Bullock carts shall have one lamp to be fastened on the right hand side of the cart. The lamp should be wind-proof and in good order.

7. Licensed carriages should be kept in good repair and sound as to their springs, doors and windows.

8. The license to be granted by the Registering Officer shall be in the form given in Schedule B of these rules.

9. (a) The Registering Officer may cause to be painted on some conspicuous part of the carriage all or any of the following particulars:—

- (1) Its number and class.
- (2) The year of license.
- (3) The number of passengers it is licensed to carry.

The painting shall be done in the office of the District Superintendent of Police and the cost shall be included in the license fee.

(b) If the words or figures so painted shall, during the time of license, become indistinct or obliterated, the owner of the carriage shall produce it without delay before the Registering Officer and apply to have such words or figures renewed.

(c) The owner of a 1st or 2nd class hackney carriage shall, on receipt of a license, affix to his premises, if situate within the Kolar Gold Fields, a board on which shall be painted his name and his hackney carriage license number.

(d) Every owner of a hackney carriage shall, on the expiry, revocation, or suspension of his hackney carriage license, forthwith remove the figures or words so painted on his carriage.

10. The following fees shall be paid to the Registering Officer for each license:—

* First class carriage	....	Rs. 3 per annum.
* Second do	....	Rs. 2 do
Third class, jutkas	....	Re. 1 do
Fourth class, bullock carts	....	Annas 8 do

* If drawn by a pair of horses, double these fees.

A license in the form given in Schedule B shall only be given for a turn-out including horse, carriage and harness, but spare carriages and horses shall, if the Registering Officer thinks fit, be registered separately as entitled to ply for hire under these rules, the following fees being charged for such registration:—

First class carriage	....	Rs. 2'
Second do	....	Re. 1½
Horse	....	Re. 1
Jutka pony	....	Annas 8

Drivers' Licenses.

11. Every driver of a hackney carriage shall be annually licensed by the Registering Officer, who may refuse to issue such a license to any one under 18 years of age or to any one who has not been approved by him and no person shall drive any hackney carriage, nor shall any owner of a hackney carriage permit any person to drive such hackney carriage, except under license granted in that behalf under these rules.

For every license granted under this rule, there shall be paid annually a fee of one rupee for drivers of 1st and 2nd class carriages and jutkas, and a fee of 8 annas for drivers of bullock carts.

12. The license to be granted to a driver of a 1st or 2nd class carriage shall be in the form given in Schedule C of these rules, and to a driver of a jutka or a bullock cart in the form given in Schedule D. Such licenses shall be accompanied by a metal badge bearing the number of the license.

13. A licensed driver when acting as such (1) shall keep to his own left side of the road and not overtake or pass another carriage except on the right hand side of that carriage, (2) shall light his lamps and keep them alight, half an hour after sunset and half an hour before sunrise, (3) shall stand in line with his carriage and keep proper order when at a carriage stand specially provided by the board for this purpose. He shall not take up position on any hackney carriage stand which already contains the full complement of hackney carriages authorized for such stand by the Registering Officer. He shall not loiter or cause obstruction in public roads or thoroughfares or in any place where the public resort.

14. Every driver of a first or second class carriage shall be properly and cleanly clad when acting as such. He shall wear a turban neatly folded, a long coat extending below the hips, and trousers reaching to the ankles. Over the coat he shall wear a waist belt not less than 4 inches wide, to which his metal badge shall be affixed above the right hip.

Miscellaneous.

15. The fare which may be demanded for the hire of a hackney carriage shall not exceed that specified in Schedule A of these rules.

16. The maximum number of persons to be carried by each description of hackney carriage is as follows :—

- In a four-wheeler, four persons inside and driver and boy outside.
- A wagonette with one horse, six persons including syce and driver.
- A jutka, five persons including driver.
- Two children under ten years of age to be reckoned as one adult person.

17. The maximum load of luggage only or of luggage and passengers which may be carried by each description of carriage shall be as follows :—

Carriage, 1st and 2nd class	by one horse ...	8 maunds or	672 lbs.
	drawn by two horses....	15 „	or 1,260 „
Third class, jutkas	....	6 „	or 504 „
Fourth class, bullock carts	....	5 „	or 420 „

When passengers or luggage are carried, each adult person shall be considered as weighing $1\frac{1}{2}$ maund or 126 lbs. and each child under ten years of age as weighing $\frac{3}{4}$ of a maund or 63 lbs.

18. The owner of every hackney carriage, unless exempted by the Registering Officer, shall put up, and at all times keep, in such position as shall be directed by the Registering Officer, in or on such carriage a clear and legible list signed by the Registering Officer or other person authorized by him in this behalf, showing the class or number of such carriage, and the rates and fares authorized to be taken for the hire of the same.

19. No owner or driver of any hackney carriage shall, without sufficient reason, the burden of proving which shall lie on such

refuse to let such hackney carriage for hire to any person demanding the same but no owner or driver of a hackney carriage shall be bound to carry, in such hackney carriage, any person suffering from any contagious or infectious disease.

No owner or driver shall, without previously disinfecting it, knowingly use for hire any carriage used for the conveyance of any person suffering from any contagious or infectious disease.

20. The Registering Officer may, by written order, suspend for a period not exceeding one month, or revoke, any license granted under Rule 8 or 12 for any breach of these rules or of any conditions of the license.

A license under Rule 8 or 12 shall also be subject to suspension or revocation, if the Registering Officer is satisfied that the owner or driver has misconducted himself.

21. In the case of disputes as to the fare to be paid according to distance, any table or book signed by the Registering Officer shall be taken to be conclusive evidence of all the fares and distances therein stated.

22. All property left in any hackney carriage licensed under these rules shall be forthwith deposited by the driver or owner as the case may be, in the office of the Registering Officer, or in the nearest Police Station.

23. Such property shall be returned to the person who shall prove to the satisfaction of the Registering Officer that the same belong to him, on payment of all expenses reasonably incurred, and of such reasonable sum to the driver or owner as the Registering Officer may direct.

24. It shall be lawful for the Registering Officer, and any other person appointed or authorized by him in this behalf, at any time between sunrise and sunset, to enter any premises in which hackney carriages are kept in order to carry out any provision of these rules, and the owner of such premises or his agents shall afford every facility therefor.

25. On expiry, revocation, or suspension of any license granted under Rule 8 or 12, the licensee shall forthwith return such license to the Registering Officer and shall, in the case of any license granted under Rule 11 at the same time deliver up any badge issued with such license.

26. Prosecutions for breach of these rules may be instituted by any Police Officer or any other person authorized by the Registering Officer in writing.

27. All fees received, and all expenses incurred by the Registering Officer, in giving effect to these rules shall be credited and debited respectively to the funds of the Kolar Gold Fields Sanitary Board; but the Registering Officer shall not incur any expenditure in excess of the receipts without the sanction of the Sanitary Board.

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government,
General and Revenue Departments.

SCHEDULE A.

Fares by time.

Class of vehicles	For 1 hour or less	For every additional hour or part of an hour before midnight	For every additional hour or part of an hour after midnight	Remarks
1	2	3	4	5
	Rs. a. p.	Rs. a. p.	Rs. a. p.	
1st, drawn by 1 horse ...	1 0 0	0 6 0	0 8 0	If drawn by a pair of horses, double these fares.
2nd, drawn by 1 horse ...	1 0 0	0 4 0	0 6 0	
3rd, jutka, by 1 horse ...	0 6 0	0 3 0	0 4 0	
4th, bullock cart ...	0 4 0	0 2 0	0 3 0	

Note.—These fares are subject to a maximum of Rs. 3-8-0, 3-0-0, 2-0-0, and 1-4-0 according to the number of hours for twelve hours from 5 A.M. to midnight; and to a maximum of Rs. 5-0-0, if the number of hours exceeds twelve.

Fares by distance.

Distance	1st class	2nd class	Distance	3rd class, jutkas	4th class, bullock carts
1	2	3	4	5	6
	Rs. a. p.	Rs. a. p.		Rs. a. p.	Rs. a. p.
For 3 miles and under	1 0 0	0 12 0	For a mile or portion of a mile.	.....	.....
For every succeeding mile or a portion of a mile beyond a mile.	0 4 0	0 3 0		0 2 0	0 1 6

N. B.—The minimum speed at which a first and second class carriage hired by time shall be driven is 6 miles per hour, jutka 5 miles and bullock cart 2 miles an hour, respectively. The above fares to be paid according to time, unless at the commencement of hiring, the hirer expresses his intention of paying according to distance.

Any contract entered into to accept a fare lower than the fare above fixed, shall be binding.

SCHEDULE B.

Owner's license

Hackney Carriage License No.

Class

Stamp of
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....Of.....this license to keep at your premises at.....and to let for hire the numbered as above from the date hereof till the 30th June 19.....on the conditions hereunder written:—

- 1st. That it shall be drawn by....
- 2nd. That it shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge a reasonable quantity of luggage, for each passenger.
- 3rd. That it shall ply for hire on the Kolar Gold Fields.
- 4th. That it shall be produced for inspection at such place and time as may be directed by me.
- 5th. That in the event of its being damaged, you may with no previous sanction in writing, use temporarily another carriage to which this license number shall be transferred free of charge.
- 6th. That you shall keep it, together with the horses and harness used therewith in proper and serviceable condition.
- 7th. That as often as you change your residence or the premises in which you keep this carriage you shall give me notice thereof in writing within one week of such change submitting at the same time this license for the necessary alteration.
- 8th. That the license shall not be transferred to any other person without my written sanction.

Given under my hand and seal this day of.....

Registering Officer,
Kolar Gold Fields.

SCHEDULE C.

1st and 2nd class Hackney
Carriage Driver's License No. }

Stamp of the
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to ply for hire and pursue the occupation of Driver in the service of Hackney Carriage owner.....in any

part of the Kolar Gold Fields, from the date hereof till the 30th June 19 on the conditions hereunder written:—

- 1st. That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.
- 2nd. That you shall, at all times when engaged in your said occupation, have with you this license and shall produce the same when required by any passenger, or any Magistrate, or any Police Officer on duty, or any person employed or authorized by me in this behalf.
- 3rd. That you shall, when engaged for hire, drive Mr.....'s carriage to any place within the limits of the Kolar Gold Fields, to which you may be required by the hirer thereof to drive.
- 3rd A. That the carriage shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge, a reasonable quantity of luggage for each passenger.
- 4th. That you shall not, when engaged for hire, leave this carriage without the permission of the hirer or wilfully desert from such hiring before being discharged by the hirer.
- 5th. That this license or its accompanying badge be not transferred to any other person except at the request of the owner of this carriage and with my written sanction.

Given under my hand and seal this.....day.....of.....

Registering Officer,
Kolar Gold Fields.

SCHEDULE D.

Jutka or bullock cart
Driver's License No. }

Stamp of
Registering Officer.

By virtue of the powers vested in me by.....I grant to you.....of.....this license to ply for hire and pursue the occupation of driver in the service of Jutka owner.....in any part of the Kolar Gold Fields, from the date hereof till the 30th June 19 on the conditions hereunder written:—

- 1st. That you shall constantly, when engaged in the said occupation, wear conspicuously on such part of your person as the Registering Officer shall direct a metal badge, numbered as above.
- 2nd. That you shall, at all times when engaged in your said occupation, have with you this license and shall produce the same, when required by any passenger, or any Magistrate, or any Police Officer on duty, or any person employed or authorized by me in this behalf.
- 2nd A. That the Jutka shall carry such number of passengers and weight of luggage as shall not exceed the limits prescribed in Rules 16 and 17 and shall also carry free of charge a reasonable quantity of luggage for each passenger.
- 3rd. That the license or its accompanying badge shall not be transferred to any other person without my written sanction.

Given under my hand and seal this.....day of.....

Registering Officer,
Kolar Gold Fields.

REGULATION No. VI OF 1913.

THE MYSORE MUZRAI REGULATION.

(Received the assent of His Highness the Maharaja on the 11th day of October 1913.)

Whereas it is expedient to consolidate and amend the law relating to Muzrai Institutions in Mysore and to provide for certain remedies in respect of religious and charitable endowments; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

CHAPTER I.

Preliminary.

1. (1) This Regulation shall be called the Mysore Muzrai Regulation, 1913; and shall come into force from 1st January 1914.

Short title and extent.

(2) It extends to the whole of Mysore.

Definitions.

2. (1) 'Muzrai Institution' shall mean and include—

(i) every temple, mosque, or other place of worship or religious service, any *Chatra* or house of feeding or rest for travellers without charge, or other institution of a religious or charitable nature, which is now actually in the sole charge of Government, or for the support of which any annual grant in perpetuity is made from the public revenues, or an inam has been granted and is recognized and registered at the inam settlement as a *devadaya* or *dharma* grant;

(ii) every institution of a religious or charitable nature which, under the provisions of this Regulation, has been taken under the sole management of Government, so long as it remains under such management.

(2) 'Muzrai Officer' shall mean the Deputy Commissioner of the District in which the whole or any part of the property of a religious or charitable institution shall be situated; and an Assistant Commissioner to whom the power of disposing of any question or class of questions connected with such institutions shall have been delegated in writing by the Deputy Commissioner.

CHAPTER II.

Provisions relating to Religious and Charitable Institutions.

3. Government may undertake the management of a religious or charitable trust, (1) at the option of the creator of the trust, provided he has reserved no interest of a residuary or beneficial nature for himself; (2) when the trustees provided by the instrument of trust or actually in

Management of a religious or charitable institution by Government.

charge of the institution all expire or disclaim; (3) when the trustees, or surviving trustees, or the person or all the persons in actual possession and management of the institution voluntarily transfer the management; or (4) when the sole beneficiary or all the surviving beneficiaries voluntarily agree to transfer possession and management.

4. Whenever a dispute arises whether any charitable or religious trust has been actually constituted in respect of any institution, endowment or property, the Muzrai Officer may make a reference to the Court of the District Judge in whose jurisdiction the greater part of the

Reference by the Muzrai Officer to District Judge in cases of dispute.

institution or property is situated.

5. The letter of reference shall be registered and disposed of as a suit between the Muzrai Officer as plaintiff and the parties in possession of the property or opposing the contention, of the Muzrai Officer as defendants.

6. Instead of making the reference, the Muzrai Officer may authorise any one or more persons to file a suit under the provisions of Section 92 of the Code of Civil Procedure.

7. In disposing of references and suits under the foregoing sections, the Court shall have full power to apportion and award costs either against the parties or against the estate in dispute: Provided that no Court fees shall be charged in respect of proceedings following on a reference under Section 4.

8. When it is brought to the notice of the Muzrai Officer that any religious or charitable institution dedicated for the benefit of the public or a defined section of the public or any property pertaining thereto is being grossly and persistently mismanaged, he may institute an enquiry into the truth of the allegations against the persons in possession and management of the property or the institution.

9. If it is proved that there has been gross and persistent mismanagement of the institution or of any property pertaining thereto, or any misapplication or misappropriation of any part of the property, or any breach of trust in respect thereof; the Muzrai Officer may order—

- (1) that the institution may be taken under the management of Government;
- (2) that the property which has been mismanaged or misappropriated may be delivered back either to the institution or to the possession of Government for the institution;
- (3) that security may be given for the proper performance of the trust or management of the property;
- (4) may frame a scheme for the proper management of the institution or management of its property and the application thereof; and
- (5) pass such other ancillary or necessary orders as the case may require in accordance with justice and equity.

10. Where property belonging to a religious or charitable institution has been wrongfully alienated by way of sale, barter, mortgage, lease or otherwise within three years before the date of issuing a notice under this section, the Muzrai Officer may, after giving notice to the alienee and holding a summary enquiry in accordance with the provisions of the Mysore Land Revenue Code, direct that possession be restored to the institution or that Government assume possession thereof on behalf of the institution.

11. Where the whole or part of the objects of a religious or charitable trust has failed, the Muzrai Officer may, subject to such general rules or special orders as Government may have issued, after notification in the official Gazette and hearing such parties as may appear in an enquiry, pass an order directing that the property or the proceeds thereof in respect of which the object has failed, may be utilized for some object of a similar nature, and may frame a scheme for administration thereof.

12. Any person against whom an order has been passed under Sections 9 and 10 directing dispossession or recovery of possession of property or any person who is aggrieved by an order of the Muzrai Officer passed under Section 11 may, within six months from the date of such order, file a

suit in the Court of the District Judge in whose jurisdiction the greater part of the property is situate, for cancellation of such order, making the Muzrai Officer one of the defendants.

If no such suit has been filed or if it has been dismissed by the Court, the Muzrai Officer may, after the lapse of six months from the date of his original order, execute his order and may exercise for that purpose all the powers of a Civil Court in executing decrees;

Provided that in cases in which the property to be disposed of under Section 11 exceeds rupees three thousand in value or the annual income thereof is more than rupees three hundred in value, the sanction of Government shall have been obtained for the order.

Power to make rules for the maintenance of accounts, etc., by persons in charge of religious or charitable institutions.

13. Government shall have power to make rules directing that persons in charge of religious or charitable institutions shall—

- (a) keep regular accounts of income and expenditure,
- (b) submit such returns and supply such information as may be necessary,
- (c) allow such inspection and verification as may be necessary:

And may, by said rules, prescribe a penalty not exceeding one hundred rupees for any infraction thereof.

14. Where any inam granted by Government for the upkeep of any religious or charitable institution is wrongfully alienated or has passed to the possession of a third party in any manner, and the proceeds thereof have been diverted from the purpose for which it had been granted, the Muzrai Officer may, after enquiry, direct that the property may be resumed and re-transferred to the institution for whose benefit the inam was intended, or may cancel the inam tenure and impose the full assessment due to Government under the provisions of the Land Revenue Code or cancel the tenure and direct the assessment recovered to be handed over for the benefit of the original institution;

Provided that no person who has had adverse possession of a property for a period of 12 years shall be deprived of such possession.

15. Government may appoint *Dharmadarsis* to manage the affairs of religious or charitable institutions for such term and with such powers as may be prescribed and may frame rules for the conduct of business among them.

16. Government may invest *Dharmadarsis* with the powers, functions and responsibilities of a corporate person, including power to hold and dispose of property and to sue and be sued.

17. Government may also appoint a Committee of persons chosen by election or otherwise with such powers of management and supervision as may be prescribed by rules, over one or more religious or charitable institutions.

18. It shall be lawful for any trustee or person or persons having the management or control of any religious or charitable institution to invest money belonging to the institution and not required for immediate use on any of the following securities, and on no others, viz.:—

- (a) In promissory Notes, debentures, stock or other securities of the Government of India or Mysore;
- (b) In stock or debentures of, or shares or as deposits in, Railway or other Companies approved by Government;
- (c) On a first mortgage of immovable property situate in Mysore; provided that the property is not a lease-hold for a term of years and that the value of the property exceeds by one-half, or if it consists of buildings

(d) On any other security expressly authorised by the Instrument of Trust or approved by Government.

19. Arrears of rent or revenue due from tenants in respect of property belonging to a Muzrai institution may be recovered by the officers empowered to recover revenue due to Government in the same manner as arrears of land revenue due to Government.

Recovery of arrears of rent or revenue due to a Muzrai institution.

20. When the property of any religious or charitable institution is situated in more districts than one, the Deputy Commissioner in whose district the institution itself is situated, or with his consent, any other Deputy Commissioner in whose district any part of the property is situated, may exercise all the powers conferred by this Regulation as regards the whole of the property; provided that, in cases of doubt or difference, Government may direct any one of the Deputy Commissioners having jurisdiction to take cognizance of the whole matter.

Procedure when property is situated in more districts than one.

21. Every order passed under this Regulation which is not liable to be set aside by a suit filed under any of the provisions of this Regulation shall be subject to an appeal to Government—where the order has been passed by a Deputy Commissioner—and to the Deputy Commissioner—where it has been passed by an Assistant Commissioner—in the same manner and subject to the same limitations as appeals under the Land Revenue Code.

Appeals from orders of a Muzrai Officer.

22. Every order passed by a Muzrai Officer either in an original case or on appeal shall be subject to revision by Government.

Revision.

23. Any order passed under this Regulation or the rules framed thereunder by a Muzrai Officer or by Government shall not bar a suit under the provisions of Section 92 of the Code of Civil Procedure.

Saving of suits under Section 92 of the Civil Procedure Code.

CHAPTER III.

Provisions relating to Mathas or similar institutions.

24. The foregoing provisions shall not apply to *Mathas* or other institutions of a similar nature or the property belonging to them which are in the possession of *Mathadhipathis* or other persons entitled by law or general or particular usage to exercise powers of management or ownership.

Exemption of *Mathas* from the operation of the foregoing provisions.

25. Government may take over the management and possession of the property of any *Matha* or other institution of a similar nature (1) when the *Mathadhipathi* or other head of the institution voluntarily applies for such help and places the institution or its property under the management of Government; (2) when he is dead or has left the country and has not been heard of for more than seven years, and has not made legal and satisfactory arrangement for the carrying on of the ordinary business of the institution, and there is no successor duly appointed according to the rules applicable to succession to the office; (3) when he is a minor without a legally appointed guardian, fit and willing to act as such or is by reason of physical or mental infirmity unable to manage the affairs of the *Matha* or other institution.

When management of *Mathas* may be assumed by Government.

26. Whenever a complaint is made by at least half the number of householders, or in cases in which the *Matha* or other institution has a large following, by at least a hundred householders, subject to its jurisdiction as dis-

Enquiry into allegations of mismanagement of a *Matha* or

institution has been grossly mismanaging the property or alienating the bulk of it for enriching his bodily relations or for other improper purposes, Government may order an enquiry.

Authority before whom the enquiry is to be held.

27. Such enquiry shall be before a Committee of not less than three members appointed by Government in each case.

28. When the decision of the Committee has been approved by Government, Government may pass such orders as may be deemed fit concerning the management of the affairs and property of the institution.

Execution of orders passed.

29. Where any *Matha* or other similar institution has come under the management of Government under clause (2) of Section 25, Government may take such steps as are necessary to fulfil the indispensable functions of the institution till a proper *Mathadhipathi* is nominated in accordance with law or usage.

Appointment of *Mathadhipathi* by Government.

30. When property of a *Matha* or other similar institution has for any reason come into the possession of Government under the provisions of this Regulation, Government may exercise all the powers of management and disposal possessed by a duly appointed *Mathadhipathi* or other head of the institution in possession; and may make and carry out a scheme either directly by Officers appointed or by a Committee constituted for the purpose.

Powers of Government in regard to management of a *Matha*.

31. Government shall also have full power to dispose of the income of the institution as long as it is under its management (after making due provision for the maintenance of the *Mathadhipathi* or other head of the institution, for carrying on services in temples and other places of worship appertaining to the institution in a reasonable manner) on objects of charity or for the spread and encouragement of religious instruction according to the tenets of the said institution.

Disposal of income of institution.

CHAPTER IV.

Pujaris and other hereditary temple servants.

32. When there is a dispute about the office of a *Pujari* or other servant of a Muzrai institution which by law or usage descends by hereditary right, the Amildar of the Taluk in which the institution is situated shall hold an enquiry in the presence of the parties interested and record statements and evidence relevant to the case.

Enquiry into the claims to the office of a *Pujari* or other servant of a Muzrai institution.

Decision by Deputy Commissioner or Assistant Commissioner.

33. The Muzrai Officer shall, after reading the record of enquiry by the Amildar and hearing the parties interested, and after making such further enquiry as he thinks necessary, pass a decision on the merits of the case.

34. In the absence of proof to the contrary, no office or service in a Muzrai institution shall be deemed to descend by hereditary right unless it has been conferred originally with such an express stipulation in writing by a person with due authority or has been held successively by three generations of the same family in succession in due legal course.

No temple office or service in a Muzrai institution to be hereditary; except under certain circumstances.

35. Where there is no claimant entitled to succeed to the office of a *Pujari* or other office in a temple or other place of worship, the appointment shall be made by the Muzrai Officer in cases of institutions under the direct management of the Muzrai Department, or in cases of other institutions dedicated to the public or a section of the public by the devotees of the institution living in its vicinity under such rules as may from time to time be made by Government.

Appointment of a *Pujari* or other officer in a Muzrai institution.

36. Where a majority of not less than three-fourths of the inhabitants of a village or other unit being devotees of a temple object to the employment as *Pujari* of a person claiming by hereditary right, such person shall be set aside provided that the objectors pay to the claimant such amount by way of compensation as may be fixed by the Muzrai Officer.

Removal of a *Pujari* at the instance of *Bhaktas*.

CHAPTER V.

Miscellaneous.

37. The enquiry referred to in Sections 8, 11, 14 and 27 shall be conducted in the manner prescribed for a formal enquiry under the Mysore Land Revenue Code, after issue of notices to the parties interested and the Muzrai Officer or other person or persons holding the enquiry shall have all the powers of a revenue officer empowered to conduct such formal enquiry.

Mode of enquiry referred to in Sections 8, 11, 14 and 27.

38. In all matters in which a Muzrai Officer or Government has power to pass any order or to take any action, Civil Courts shall exercise jurisdiction only to the extent allowed by this Regulation.

Bar of jurisdiction of Civil Courts in cases falling under the Regulation.

M. VISVESVARAYA,

Dewan.



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PART III.

Legislative Measures and Rules thereunder.

REGULATION VII OF 1913.

A Regulation for the establishment of Village Courts in Mysore.

(Received the assent of His Highness the Maharaja on the 11th day of October 1913.)

Whereas it is expedient to provide for the establishment of Village Courts in Mysore; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

CHAPTER I.

Preliminary.

Title, commencement and local extent.

1. (1) This Regulation may be called "The Mysore Village Courts Regulation, 1913."

(2) It shall come into force on the first day of January 1914.

(3) It shall extend to such village or villages in Mysore as may, from time to time, be notified by Government in the official Gazette.

Interpretation clause.

2. In this Regulation, unless there is something repugnant in the subject or context,—

"Village" means a local area recognized by Government from time to time as a village for purposes of collecting the land revenue and includes any area for which a Village Court may be established under this Regulation.

"Village."

"District Judge" or "Munsiff" means the District Judge or Munsiff appointed under the Mysore Civil Courts Regulation, I of 1883, within the local limits of whose jurisdiction the Village Court is situate.

"Deputy Commissioner" shall mean the Deputy Commissioner of the District in which the Village Court is situate.

CHAPTER II.

Establishment and constitution of Village Courts.

Establishment of Village Courts.

3. The Government may, from time to time, by notification published in the official Gazette,—

- (1) establish a Village Court for any village or specified area;
- (2) group two or more villages and establish a Village Court for them;
- (3) constitute divisions in any village and establish a separate Village Court for each of such divisions.

A Village Court established under this Regulation shall be held before a Village Munsiff appointed, or a Bench of more than one Judge constituted, as hereinafter provided.

4. Village Munsiffs shall be appointed by the Deputy Commissioner of the District subject to such rules as the Government may, from time to time, prescribe; provided that no person not residing within the village shall be eligible for that office.

5. The Deputy Commissioner of the District may suspend or remove a Village Munsiff for incapacity, neglect of duty, misconduct, or other just and sufficient cause, and shall do so, on a requisition made by the District Judge for like cause appearing in the judicial proceedings of a Village Munsiff.

From every order suspending or removing a Village Munsiff, an appeal may be preferred within three months to the Revenue Commissioner if the order was passed by the Deputy Commissioner without a requisition from the District Judge, or to the Chief Court, if passed upon such requisition. The decision of the Revenue Commissioner or the Chief Court, as the case may be, on all such appeals shall be final.

6. (1) For every village in respect of which a Village Court is constituted, and subject to any rules which the Government may make on this behalf, the Deputy Commissioner shall prepare and maintain a list of persons residing in the village and qualified to sit as members of a Bench for the trial of suits brought under this Regulation. Such list shall also be hung up in the Court-house of the Village Munsiff.

List of persons qualified to serve as members of a Bench.

(2) In any suit which may be instituted before a Village Court under this Regulation, the plaintiff in his plaint or the defendant in his answer may claim that the suit shall, instead of being tried by the Village Munsiff, be tried by a Bench of three Judges, and nominate as a member of such Bench any person named in the list mentioned in clause (1).

(3) When the plaintiff has nominated such a person in his plaint, the defendant shall, by the summons, be requested to nominate one also. When the defendant has demanded a Bench and nominated such a person, the plaintiff shall be required to nominate one also. When any person nominated to serve on a Bench is unable to act, the party who nominated him shall be required

If a requisition under this clause has not been complied with within two clear days after it is made, the Village Munsiff shall himself select from the list a person to serve on the Bench on behalf of the party so making default.

Provided that the person nominated under this section shall not be the servant, dependant, relative or tenant of the party on whose behalf he is nominated, and shall not be personally interested in the result of the suit.

(4) The Village Munsiff shall summon the two persons nominated or selected as aforesaid to sit together with himself for the trial of the suit.

Member of Bench to be summoned by Village Munsiff.

(5) The Village Munsiff shall be the President of such Bench and shall regulate the procedure and issue all summonses, notices and the like in his own name, but the decree shall run in the name of all the three members of the Bench. If the members of the Bench cannot agree, the opinion of the majority shall prevail.

Procedure.

(6) No person summoned under this section to serve on a Bench shall be bound to sit for more than three days in a month; provided that every such person shall be bound to attend the trial of any case which has been commenced before him until its completion.

Liability to serve on Bench.

(7) Whoever, being duly summoned under this section to serve on a Bench, declines or omits to do so, without reasonable excuse, shall, on conviction before a Magistrate, be liable to a fine not exceeding Rs. 20.

Penalty for refusing or omitting to serve.

7. (The Village Munsiff shall keep a register of suits filed in the Village Court and shall write the proceedings of the Court, and may, if necessary, employ any person in the village to assist him in keeping the register and in writing the proceedings.

Register of suits filed, and record of proceedings held, before Village Courts.

8. Every Village Court shall use a seal with the name of the Court inscribed in Kannada characters and shall use it for stamping summonses, decrees and copies of documents issued by it.

Seal.

9. It shall be the duty of the village servant usually employed in carrying messages to serve all summonses, notices and orders issued under this Regulation and to act under the orders of the Village Munsiff in seizing, delivering and selling movable properties attached under this Regulation.

Service of summonses, etc.

10. The Deputy Commissioner of the District may, with the previous sanction of Government, appoint any other person to perform the duties prescribed by Sections 7 and 9, respectively.

Power of Deputy Commissioner to appoint persons to perform duties mentioned in Sections 7 and 9.

CHAPTER III.

Jurisdiction, Res Judicata and Limitation.

11. The following are the suits which shall be cognizable by Village Courts, namely:—

Cognizance of suits by Village Courts.

Claim based on contract for money due, or claims for movable property, or for the value of such property, when the debt or demand does not exceed in amount or value the sum of rupees twenty, whether on balance of account or otherwise.

Provided that no action shall be brought in any such Court—

Proviso.

(1) on a balance of partnership account unless the balance is not

- (2) for a share or part of a share under an intestacy, or for a legacy or part of a legacy under a will;
- (3) for the rent for land unless such rent is due upon a written contract signed by the defendant;
- (4) by or against public officers in their official capacity;
- (5) by and against minors or persons of unsound mind.

12. With the written consent of both parties executed before the Court, a Village Court may hear and determine suits of the nature described in Section 11, the amount or value of which shall not exceed Rs. 200.

Jurisdiction with consent.

13. No suit cognizable by the Village Court under this Regulation shall be entertained, heard or determined in any other Court having jurisdiction within the local limits of the jurisdiction of such Village Court.

Exclusive jurisdiction of Village Courts in cases cognizable by such Courts.

Provided that all such cases pending in any Court at the time this Regulation comes into force shall be heard and determined by such Court; and decrees passed in suits, which shall not have been satisfied prior to such time, shall be executed by such Courts.

Proviso.

14. Subject to the provisions contained in Section 15, every suit brought under this Regulation shall be instituted in the Village Court within the local limits of whose jurisdiction all the defendants at the time of the commencement of the suit reside or carry on business or personally work for gain.

Court in which suits to be instituted.

15. No Village Munsiff shall try any suit to which he is a party, or in which he is personally interested, or shall adjudicate upon any proceeding connected with or arising out of such suit.

Suits in which the Village Munsiff is personally interested.

16. No Village Court shall try any suit brought on a cause of action which has been heard and determined by a Court of competent jurisdiction, in a former suit, between the same parties, or those under whom they claim.

Res judicata.

17. Every suit instituted in a Village Court shall include the whole of the claim which the plaintiff is entitled to make in respect of the cause of action, but he may relinquish any portion of his claim in order to bring the suit within the jurisdiction of such Court.

Suit to include whole claim.

If a plaintiff omits to sue in respect of, or intentionally relinquishes, any portion of his claim, he shall be precluded from bringing a fresh suit for, or in respect of, the portion so omitted or relinquished.

Relinquishment of part of claim.

18. If in the decision of a suit cognizable by a Village Court under sections 11 and 14 it becomes necessary to decide incidentally any matter in dispute between the parties to the suit concerning title to immovable property, or the legal character of either of them, or of those under whom they claim, or the existence of any contract or obligation, which, if it had been the immediate subject matter of the suit, would not be cognizable under this Regulation by a Village Court, it shall be competent to the Village Court to decide such question of title, legal character, contract or obligation as far as may be necessary for the determination of such suit, but such decision shall not be evidence of such title, legal character, contract or obligation in any other action, though between the same parties or their representatives.

Incidental determination of matters not cognizable by Village Courts.

19. The provisions of the Mysore Limitation Regulation shall apply to suits and applications under this Regulation.

Limitation.

Provided that no suit or application shall be entertained by a Village Court after the expiration of three years from the time when the application first accrued.

20. The Munsiff may, on the application of any of the parties, withdraw, for just and sufficient cause, any suit from a Village Court and try the suit himself, as if it had been instituted in his Court, or transfer it for trial to any other Village Court within the local limits of his jurisdiction.

Provided that any party applying to have a suit withdrawn from a Village Court and tried by the Munsiff shall, before any such order of transfer is made, pay the amount of the fees payable under the Mysore Court Fees Regulation, 1900, in respect thereof.

CHAPTER IV.

Of the Institution and Frame of Suits, Recognized Agents, the Issue and Service of Summons on Parties, Adjournment and Consequences of Non-appearance.

21. Every suit under this Regulation shall be instituted by presenting a plaint to the Village Munsiff together with as many copies thereof as there are defendants. One copy shall be delivered or affixed as hereinafter provided together with the copy of the summons.

22. The plaint shall be written in Kannada and signed by the plaintiff or in his absence by an agent duly authorised by him, and it shall contain the following particulars,—

(a) the name, description and residence of the plaintiff and defendant;

(b) a concise statement of the cause of action and when it arose;

(c) the relief prayed for and the total amount or value of the claim.

23. No agent except a relative or servant empowered by a written instrument shall be allowed to appear on behalf of any party to a suit in a Village Court; provided that in all cases, a Village Court shall be competent to order the personal appearance of any party.

24. When the plaint has been duly presented, the Village Munsiff shall cause it to be registered and shall, by a summons in writing, require the defendant to appear and answer the claim on a specified day.

The summons shall be accompanied by a copy of the plaint and shall require the defendant to bring his witnesses, if any, on the date fixed for hearing, the plaintiff being likewise directed to appear on that date with his witnesses.

The summons shall be served on the defendant personally and a copy thereof delivered to him.

25. If the Village Munsiff is satisfied that the defendant is evading service of the summons, the Village Munsiff may order that it be served upon, and a copy thereof delivered to, an adult male member of the family of the defendant residing with him, or that a copy thereof be affixed upon some conspicuous part of the house in which he generally resides and another copy to the Court-house of the Village Munsiff.

26. Whenever it may be necessary to serve the summons upon a defendant beyond the local jurisdiction of the Village Court, it shall be forwarded to the Munsiff, who shall cause it to be served as if it had been a summons issued by himself and shall then return it to the Village Court together with a report of such service. Such report shall be *prima facie* evidence of the facts stated therein.

27. If a defendant does not appear in person or by agent on the day fixed, and it is proved that the summons was duly served at least two clear days before the date of hearing, the Village Court may proceed *ex-parte*.
 Procedure if defendant does not appear.

If it is not proved that the summons was duly served, the Village Munsiff shall issue a fresh summons.

28. Every summons served under this Regulation otherwise than by the village servant shall be served at the expense of the party on whose behalf it is issued and the amount of fee leviable for such service shall be fixed by Government from time to time and shall be levied by the Village Munsiff in such manner and subject to such rules as may be prescribed in that behalf by Government.

29. If, on the day fixed for the defendant to appear,—
 (1) neither party appears, or
 (2) the plaintiff does not appear and the defendant appears and does not admit the claim, or,
 (3) the summons has not been served owing to the plaintiff's default and the defendant does not appear,
 the suit shall be dismissed unless the Village Court, for good and sufficient cause, otherwise directs.

30. If the plaintiff does not appear but the defendant appears and admits the claim wholly or in part, the Village Court shall pass judgment against the defendant in accordance with such admission, and where part only of the claim is admitted shall dismiss the suit so far as it relates to the remainder.

31. (1) Whenever a suit is dismissed under clause (1) or clause (3) of Section 29, the plaintiff may bring a fresh suit, and if within the time allowed by the law of limitation the plaintiff satisfies the Village Court that he was prevented by any sufficient cause from appearing, the Court shall set aside the dismissal and shall appoint a day for proceeding with the suit.

(2) When a suit is dismissed under Sub-Section (2) of Section 29 or partially dismissed under Section 30, the plaintiff shall be precluded from bringing a fresh suit in respect of the same cause of action, but he may within the time allowed by the law of limitation apply for an order to set aside the dismissal and if he satisfies the Court that he was prevented from any sufficient cause from appearing, the Court shall make an order setting aside the dismissal and shall appoint a day for proceeding with the suit.

32. Any defendant against whom a decree has been passed *ex-parte* may, within the time allowed by the law of limitation, apply to the Village Court to set it aside; and if satisfied that the summons or notice was not duly served or that the defendant was prevented by any sufficient cause from appearing, the Court shall set aside the decree and shall appoint a day for proceeding with the suit.

33. No dismissal or decree shall be set aside on any application under Section 31 or Section 32 unless notice has been served on the opposite party.

CHAPTER V.

Of the Hearing, Withdrawal or Compromise of Suits, and of the Summoning and Examination of Witnesses.

34. When the defendant appears, the Court shall ascertain from him whether he admits the claim made in the plaint. If he admits the claim, the suit is compromised, such admis-

signed by the parties, and the Court shall pass a decree in accordance therewith. If the defendant does not admit the claim, he shall be required to state his objections either orally or in writing, and the Court may, if it thinks fit, adjourn the case to enable him to file a written statement.

35. If the plaintiff wishes to withdraw the suit, he shall signify the same in writing to the Court which shall strike the suit off the file and no fresh suit shall be brought on the same cause of action.

Withdrawal of suit.

36. If either party is willing to let the suit be settled by the oath of the other, and such other party assents and takes the oath, the Court shall give judgment according to such oath.

When suit may be settled by oath.

37. The defendant may set-off any amount legally due to him by the plaintiff for which he could bring a suit in a Village Court. If such set-off is established, the decree shall be for any sum which finally appears to be due to either party.

Set-off.

38. When the defendant's statement has been made, the Court shall proceed to examine the truth of the claim, and shall summon the witnesses cited by either party who are not present.

Witnesses not present to be summoned.

39. Any witness residing within the jurisdiction of the Village Court may be summoned verbally or in writing. Any witness residing within 5 miles beyond the Court's jurisdiction may be summoned in writing, and such summons shall be served through the Village Munsiff within whose jurisdiction he resides, or if for such place there is no Village Court, through the patel of the village in which the witness resides. If any witness resides more than 5 miles beyond the jurisdiction, the Court may call on the parties to frame written interrogatories and shall forward such interrogatories with a letter to the Village Munsiff or if there is no Village Court for such place, to the Amildar or Deputy Amildar within whose jurisdiction the witness resides, and such Village Munsiff or Amildar or Deputy Amildar shall forthwith summon and examine the witness upon the interrogatories, and shall return his answers to the Court in which the suit is pending.

Summons to witnesses how served.

Interrogatories.

40. A summons may direct the party summoned either to appear and give evidence or to produce or cause the production of a document.

Summons to appear and give evidence or produce document.

41. Witnesses summoned by a Village Court to give evidence or to produce a document shall, except for reasonable cause, be bound so to attend and give evidence and produce or cause the production of the document summoned.

Liability of witnesses to attend and give evidence or produce document.

42. Women who, according to the customs and manners of the country, ought not to be compelled to appear in public, persons exempted from personal appearance in Court, and any person who, by reason of sickness or bodily infirmity, cannot attend without serious inconvenience, shall not be summoned; but when the evidence of any such person is necessary, the Village Court shall examine such person at his or her residence.

Exemption of certain persons from personal appearance.

43. Witnesses shall be examined in open Court on oath or affirmation, but it shall not be necessary for a Village Court to take down depositions of witnesses in writing.

Examination of witnesses.

44. If it appears likely that the parties will settle the matter amicably, or for any other sufficient cause, the Village Court may adjourn the hearing to a day to be fixed in the presence of the parties or in cases in which the defendant does not appear, in the presence of the plaintiff. If on

Adjournment in view to amicable settlement or for other cause.

such day, the parties or any of them fail to appear, the Village Court may proceed to dispose of the suit in one of the modes prescribed in that behalf by Sections 29 and 30, or make such other order as it thinks fit.

CHAPTER VI.

Of the Decree and its Execution.

45. When the parties or their agents have been heard, and the evidence on both sides considered, the Village Court shall pass such decree as may seem just, equitable and according to good conscience.

On conclusion of hearing, Court to pass decree.

46. The decree shall contain the number of the suit, the names of the parties, the particulars of the claim, the names of the witnesses examined, the titles of the exhibits read, the decision thereon, and the reasons for such decision. It shall specify the sum of money adjudged, the movable property to be delivered, the sum to be paid in default of delivery, and the amount of costs to be paid and by what parties and in what proportions such costs shall be paid.

Contents of decree.

The decree shall be dated on the day on which it is passed, and signed by the Village Munsiff. When the suit has been heard by a Bench, the decree shall be signed by the members of such Bench concurring therewith. Each party shall be entitled to receive a copy of the decree on application.

47. In suits for money, the Village Court may decree interest on the sum decreed not exceeding 12 per cent per annum from date of suit till date of payment.

Decree may award interest or order payment by instalments.

When a Village Court decrees the payment of a sum of money, it may direct that it be paid by instalments, with or without interest at the above rate.

48. The decree shall be executed by the Village Court which passed it or by a Village Court or Munsiff to whom it is sent for execution under the provisions hereinafter contained.

Court by which decree may be executed.

49. If the decree is for any specific movable, it may be enforced by the seizure of the property, and its delivery to the decree-holder. If the seizure of the property is not practicable, the decree shall be executed by enforcing payment of the sum decreed as an alternative.

Decree for specific movable how executed.

50. All money payable under a decree passed by a Village Court shall be paid to the decree-holder or his agent specially authorized in writing, in the presence of the Village Munsiff whose duty it is to execute the decree; but if the decree is otherwise adjusted to the satisfaction of the decree-holder, the nature of such adjustment shall be recorded in writing, and signed by him or his agent in the presence of, and attested by, such Village Munsiff.

Payment of money under a decree or other adjustment to be made or recorded in the presence of the Village Munsiff.

Such payment or adjustment shall be endorsed by the Village Munsiff on the decree, and recorded in the register of suits mentioned in Section 7.

No payment under a decree, and no adjustment of a decree in whole or in part, shall be recognised, unless it has been made or recorded in the manner prescribed by this section or in the Court of the Munsiff.

51. Except where the decree is executed by a Munsiff, no judgment-debtor shall be arrested and no immovable property attached in execution of a decree of a Village Court.

Judgment-debtor not to be arrested nor immovable property attached.

52. On the application of the decree-holder, the Village Court shall attach any movable property within its jurisdiction belonging to the judgment-debtor pointed out by the de-

Attachment of movable property.

creditor to the value of the sum payable under the decree: provided that the following properties shall not be liable to such attachment, viz.:—

- (a) the necessary wearing apparel, cooking vessels, beds, and bedding of the judgment-debtor, his wife and children, and such personal ornaments as, in accordance with religious usage, cannot be parted with by any woman;
- (b) tools of artisans and, where the judgment-debtor is an agriculturist, his implements of husbandry and such cattle and seed-grain as may in the opinion of the Court, be necessary to enable him to earn his livelihood as such;
- (c) books of account;
- (d) stipends and gratuities allowed to pensioners of the Government or payable out of any service family pension fund notified in the official Gazette by Government in this behalf, and political pensions;
- (e) the salary due to a public officer or to any servant of a Railway Company or local authority;
- (f) the pay and allowances of persons to whom the Indian Army Act, 1911, applies and of those belonging to the Mysore Military Forces;
- (g) the wages of labourers and domestic servants whether payable in money or in kind;
- (h) the arms, horse, clothes, equipments, regimental accoutrements and necessaries of the members of the Mysore Military Forces;
- (i) where the decree relates to a debt due or contracted by an officer who has insured his life under the rules in force relating to the Mysore State Life Insurance, any bonus payable or paid thereunder to such officer or in the event of his death to his nominee or other person or persons entitled to such bonus under the said rules;
- (j) any amount payable by the Military Department to the members of the Mysore Military Forces out of a retiring fund.

Explanation I.—The expression Mysore Military Forces occurring in this section shall have the meaning given to it in the Code of Civil Procedure, 1911.

Explanation II.—The particulars mentioned in clauses (d), (e), (f), (g) and (i) are exempt from attachment or sale whether before or after they are actually payable.

53. If the property is in the possession of the judgment-debtor, it shall be attached by actual seizure and the Village Munsiff shall provide for its safe custody. It may be left in the custody of the judgment-debtor upon sufficient security being given in writing for its production when required. On default, the decree may be executed against the surety to the value of the property not produced.

54. If the property is not in the possession of the judgment-debtor, the attachment shall be made by a written order prohibiting the person in possession of the property from giving it over to the judgment-debtor.

55. Debts and moneys due to the judgment-debtor shall be attached by a written order prohibiting the judgment-debtor from recovering the debt or receiving the sum of money and the debtor from making payment thereof, until the further order of the Village Court. Nothing in this section shall be held to authorize a Village Court to attach or sell a debt charged on immovable property.

56. When an attachment has been made by actual seizure, or by a written order, any private alienation of the property attached, whether by sale, gift, pledge or otherwise, and any payment of the debt to the judgment-debtor, during the continuance of the attachment, shall be void as against all claims enforceable

57. If any claim is preferred to property attached in execution of a decree, the Villags Court shall investigate the claim, and if it appears that the judgment-debtor has no saleable interest therein, such property shall be released from attachment.

Investigation of claims to attached property.

58. As soon as possible after attachment, the Village Court shall fix a day not less than fifteen days from the date of attachment for the sale of the property attached, and shall cause a written proclamation of the intended sale to be fixed outside the Court, and such sale shall be further proclaimed by beat of drum previous thereto.

Sale of attached property.

Provided that (1) with the consent in writing of the judgment-debtor, or (2) when the property seized is subject to speedy and natural decay, or (3) when the expense of keeping it in custody may exceed its value, the Court may, after giving due notice by beat of drum, sell the attached property at any time within fifteen days from the date of attachment. In such case, the Court shall hold the sale proceeds subject to the provisions hereinafter made for payment of moneys attached in execution of decrees.

Proviso.

59. On the day fixed for the sale, the property shall be put up for sale by public auction in the presence of the Village Munsiff and sold to the highest bidder. The price shall be paid without delay and in default the property shall again be put to sale.

Procedure in sale.

On payment of the purchase money, the Court shall grant a receipt for the same, and the sale shall become absolute.

Any loss on resale shall, at the instance of either the decree-holder or judgment-debtor, be recoverable from the defaulter as if a decree had been passed against him for the same.

60. Any sale advertised under this Regulation may, at the discretion of the Court, be adjourned to a specified day, public notice thereof being given in the manner prescribed by Section 58.

Powers to adjourn sale.

61. No Village Munsiff or other officer having any duty to perform in connection with any sale under this Regulation shall, either directly or indirectly, bid for or acquire any property sold at such sale.

Village Munsiff and other officers not to bid for or buy property sold.

62. Every sale of property under this Regulation shall be stopped if, before the lot is knocked down, the amount due under the decree and the cost attending the sale are tendered to the Village Munsiff.

Stoppage of sale on tender of debt and costs.

63. Out of the moneys realized in execution, the cost of execution shall first be defrayed and then the amount due to the decree-holder. Any surplus which may remain shall be paid to the judgment-debtor.

Division of proceeds of sale.

64. When the property sold is one of which actual seizure has been made the property shall be delivered to the purchaser.

Property actually seized to be delivered to purchaser.

65. When the property sold is in the possession of any person other than the judgment-debtor, or is a debt due by any person to the judgment-debtor, delivery thereof to the purchaser shall be made by a written notice to such person, prohibiting him from delivering possession of the property or paying the debt to any person except the purchaser, and whatever right the judgment-debtor had in such property or debt at the time of attachment shall vest in the purchaser.

Delivery of property to purchaser in other cases.

66. On the application of the decree-holder, a Village Court which passed a decree may, if the decree cannot be fully executed by itself, transfer it for execution to the Munsiff who may

Transfer of decree for execu-

himself, or may transfer for execution to the Court of any other village in which the defendant is represented to have movable property. Such Court shall proceed as if the decree was passed by itself.

67. It shall be competent to the Munsiff to withdraw for just and sufficient cause the execution of any decree from any Village Court and to execute it himself, as if it were a decree passed by himself.

Munsiff may withdraw execution of any decree.

CHAPTER VII.

Miscellaneous.

68. If a plaintiff or a defendant dies before decree is passed in the suit, the name of his legal representative may be entered in his place on the record on the application of the opposite party or of such legal representative, but the legal representative of a deceased defendant shall not be answerable for any decree that may be passed beyond the value of the assets derived from him and not duly accounted for.

If on death of party to suit application is made, legal representative of deceased may be entered on record.

69. If no such application is made within sixty days from the date of the death of the plaintiff or defendant, the suit shall be dismissed, and no fresh suit shall be allowed to be brought on the same cause of action.

If no application made, suit to be dismissed.

70. If there be more plaintiffs or defendants than one, and any of them dies and his representative is not joined as aforesaid, the suit shall proceed at the instance of the surviving plaintiff or plaintiffs or against the surviving defendant or defendants.

If more than one plaintiff or defendant, suit to proceed at instance of or against survivor.

71. If a decree-holder dies before the decree has been fully executed, his legal representative may apply to the Village Court to substitute his name as the decree-holder in the place of the deceased, and if the Court is satisfied after giving notice to the judgment-debtor, that the applicant is the legal representative of the deceased, it shall substitute his name on the record as the decree-holder.

If decree-holder dies his legal representative may be substituted.

72. If a judgment-debtor dies before the decree has been fully executed, it may be executed on the application of the decree-holder against the legal representative of the judgment-debtor to the extent of the assets derived from him and not duly accounted for.

If judgment-debtor dies, decree may be executed against his legal representative.

73. The Munsiff may, on a petition being presented within sixty days from the date of any decree or order of a Village Court by any party deeming himself aggrieved by such decree or order, set aside such decree or order, on the ground—

Revision by Munsiffs of proceedings of Village Courts.

of corruption, gross partiality, or misconduct of the Village Court; or of its having exercised a jurisdiction not vested in it by law, or otherwise acted illegally or with material irregularity; or that the decree or order is clearly unjust or contrary to law; and may pass such other decree or order as he thinks fit;

provided that no decree or order of a Village Court shall be set aside without notice to the opposite party.

Pending disposal of any such petition, the Munsiff may stay execution of the decree or order.

A petition under this section may be entertained after sixty days by the Munsiff if he is satisfied with the cause shown for the delay.

Except as provided in this section, every decree and order shall be final.

74. Whenever under Section 73 the Munsiff sets aside a decree or order, he may report the case to the District Judge, and shall report every case in which he sets aside a decree or order on the ground of corruption, gross partiality or misconduct.

Munsiff may, and in certain cases shall, report to District Judge.

75. The Chief Court may, from time to time, prescribe forms for use in Village Courts and the returns which they shall be bound to submit. The District Judge or the Deputy Commissioner or the Munsiff may at any time call for and inspect the registers and records of Village Courts.

Power of Chief Court to prescribe forms and of District Judge, Deputy Commissioner and Munsiff to inspect records.

76. Notwithstanding anything contained in the Mysore Court Fees Regulation, 1900, no plaint, petition or vakalatnama presented to a Village Court shall be chargeable with any fee under the said Regulation.

Exemption of plaints, etc., from payment of Court Fees.

M. VISVESVARAYA,
Dewan.

REGULATION No. VIII of 1913.

(Received the assent of His Highness the Maharaja on the 23rd day of October 1913.)

A Regulation to further amend the Mysore Excise Regulation, 1901.

Whereas it is expedient to further amend the Mysore Excise Regulation, 1901; His Highness the Maharaja is pleased to enact as follows:—

Preamble.

1. This Regulation shall be called "The Mysore Excise Regulation Amendment Regulation, 1913."

Short title.

2. The words "or a person in the employ of such holder" shall be inserted after the word "Regulation" occurring before clause (a) of Sections 56 and 57 of the Mysore Excise Regulation, V of 1901.

Amendment of Sections 56 and 57 of Regulation, V of 1901.

M. VISVESVARAYA,
Dewan.

NOTIFICATION.

No. J. 1363, dated 5th November 1913.

Under Section 9 of the Mysore Motor Vehicles Regulation, 1913, the Government of His Highness the Maharaja are pleased to publish the following draft rules framed under Section 9 of the said Regulation.

The draft rules will be taken into consideration fifteen days after their publication in the Gazette.

By Order,

K. R. SRINIVASIENGAR,
*Secretary to Government,
General and Revenue Departments.*

DRAFT RULES.

In exercise of the powers conferred by Section 9 of the Mysore Motor Vehicles Regulation, 1913, the Government of His Highness the Maharaja are pleased to make the following Rules for the Registration and Regulation of Motor Vehicles in Mysore:—

RULES.

I. PRELIMINARY.

Short title, extent and definition.

1. (1) These rules may be called the Motor Vehicles Rules, 1913.

(2) They shall extend to the whole of Mysore.

(3) In these rules—

(a) "the Regulation" means the Mysore Motor Vehicles Regulation, 1913 and

(b) the expression "motor cycle" means a two, three or four wheeled cycle propelled by mechanical means, fitted with seats, but without a carriage body and weighing not more than 3 cwt.

II. REGISTRATION.

Fees.

2. The fee for registration under this Regulation shall be rupees four for motor cycles and rupees sixteen for all other motor vehicles. There shall be no fee for re-registering motor vehicles which have been already registered under any enactment in force in British India or in the Civil and Military Station, Bangalore.

3. (1) The registering authority shall assign a distinguishing number to each motor vehicle and shall record the name and address of the owner.

(2) The number so assigned shall be shown in white figures on a black ground and shall be fixed by the owner in a prominent position on both the front and the rear of the motor vehicle.

Number, transfer of ownership, etc.

(3) The number shall be not less than $3\frac{1}{2}$ inches in height and shall be perfectly legible. In the case of motor cycles they shall be not less than 2 inches in height.

(4) Such number shall not be in any way obscured; or allowed to become, not easily discernible at a reasonable distance.

4. In the case of a manufacturer of, or a dealer in, motor vehicles, a general number may be assigned by the registering officer on payment of an annual fee of Rs. 32 to be used on any motor vehicle when on trial after completion of the running parts or when on trial by an intending purchaser or when being used by a person licensed under Section 4 (1) of the Regulation, for the purpose of instructing any other person in the use of the motor vehicle or cycle. Provided that such motor vehicle shall not ply for or be let out on hire, unless it has been separately registered under Section 3 of the Regulation.

5. Every transfer of ownership shall forthwith be intimated to the registering officer by the transferee by a notice in writing signed by himself or his agent.

Requirements
before registra-
tion.

6. (1) Before registering a motor vehicle the registering officer shall be satisfied that it is provided with two independent brakes or other means of stoppage in good working order and of such efficiency that the application of either is capable of promptly stopping the motor vehicle.

(2) In the case of applications for the registration of motor vehicles, the registering officer may accept the certificate of the District Superintendent of Police that the requirements of Sub-Section (1) are in any particular case in his opinion, sufficiently complied with.

Subsequent
defects.

7. If at any time after a motor vehicle has been registered, the registering officer has reason to believe that it has ceased to comply with the requirements of Sub-Section (1) of Rule 6, or that it is not maintained in such a condition as to prevent danger to the public, he may, after notice to the registered owner, direct that the registration be cancelled until such time as the defects are rectified to his satisfaction.

III. GENERAL.

Driving on the
proper side of the
road.

8. A motor vehicle shall be driven in accordance with the rules of the road which require a vehicle to keep on the left of the road except when overtaking horses and other vehicles going in the same direction which should be passed on

Provided that when passing a tram car or other vehicle running on fixed rails the driver of any motor vehicle may drive on whichever side thereof he may consider necessary, having due regard to the circumstances of the case.

Reckless driving.

9. A motor vehicle shall not be driven in a public road or place recklessly or negligently or at a speed or in a manner which is likely to endanger human life, or to cause hurt or injury to any person, or animal, or damage to any vehicle or property, or which would be otherwise than reasonable and proper, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually or may reasonably be expected to be on it at the time.

Speed limit.

Provided that the Presidents of the Municipal Councils of the Bangalore and Mysore Cities and the District Magistrates elsewhere, shall have power, subject to the approval of Government, to prescribe that when passing through a particular locality, street or village, motor drivers shall not exceed such rate as may be indicated on notice boards erected at each end of the locality, street or village.

Provided also that the Government by notification may prescribe a rate of speed which shall not be exceeded either generally or in any particular locality.

Prohibition as to use of motor vehicles on foot-paths in certain localities.

10. (1) A motor vehicle shall not be driven in any foot-way, nor in any road or public place, where such driving may, for the time being, be prohibited as being dangerous to the public or obstructive to traffic by an order promulgated by the President of the Taluk Board for the taluk or the Chairman of the Municipality within which the foot-way, road, etc., is situated. Such order may be in respect of driving within specific hours or of driving generally and may at any time be withdrawn or varied by the President or the Chairman as the case may be.

(2) Any person affected by an order issued under Rule 10 (1) may apply, by petition to the District Magistrate, to cancel or modify such order.

Directions in regulation of traffic.

11. (1) The person in charge of a motor vehicle shall obey all directions of Police Officers posted or stationed for the regulation of traffic at crossings or other places, and shall cause the motor vehicle to stop when requested to do so under Section 7, clauses (a) and (b) of the Regulation.

(2) When any accident has occurred

vehicle in charge of any person owing to the presence of any motor vehicle on the road and there is no Police Officer present, the driver of the motor vehicle shall, if any person has been injured, render every possible assistance to such person.

Motor vehicles
to carry horns.

12. Every person driving a motor vehicle shall have ready and available for immediate use a suitable horn capable of giving audible and sufficient warning of his approach or position and shall sound the same whenever expedient to prevent danger to any of the public. Provided that no sirens shall be allowed.

Motor vehicles
to carry lamps.

13. The lights to be carried by motor vehicles, under Section 8 of the Regulation shall be as follows:—

(1) In the case of vehicles other than motor cycles—

(a) one lamp showing a white light in front shall be affixed on each side of the front portion of the vehicle;

(b) one lamp showing a red light at the rear and showing a white light at the side shall be affixed at the back of the vehicle in such manner as to illuminate with the white light and render easily distinguishable the number of the vehicle.

(2) In the case of motor cycles one lamp showing a white light in front shall be affixed to the motor cycle.

(3) In all cases—

(a) the lamps shall be of suitable character and illumination;

(b) the lamps shall be kept properly alight;

(c) where acetylene or electric lamps or lamps of any description giving a powerful and intense light are used within any local limits specially notified by the District Magistrate or the President of a City Municipal Council the same shall be properly hooded or screened to the satisfaction of the registering authority.

Maintenance.

14. No person shall have a motor vehicle—

(a) unless it is at all times under full control so as to prevent undue interference with passenger or other traffic, and unless it

is maintained in such a condition as to prevent danger to the public or to any person riding on it; (b) unless it is so used that no smoke or visible vapour is emitted therefrom except from some temporary or accidental cause.

15. No motor vehicle shall be allowed to stand in any street or public place unattended by a person licensed under Section 4 of the Regulation, unless all reasonable precautions have been taken to prevent it moving.

16. The driver of a motor vehicle shall not unnecessarily cause the vehicle to travel backwards for a greater distance or time than may be requisite for purposes of safety or in order to turn round.

Register to be kept.

17. A manufacturer of, or a dealer in, motor vehicles shall distinctly mark every such vehicle by a letter or letters in addition to the dealer's general number under Rule 4. He shall keep in such form as the registering authority may direct a register showing the name of the driver in charge of each of the motor vehicles when allowed to leave his premises and the hours and dates on which he was in charge of the vehicle.

Such register shall be open to inspection on the demand of any Police Officer of or above the rank of Sub-Inspector.

Motor competition or reliability trials.

18. No motor competition, reliability trial, display or exhibition, in which more than five motor vehicles take part, shall be permitted on any public road without the previous sanction of Government.

IV. FORMS.

Application for license.

19. Every application for a license under Section 4 of the Regulation shall contain the particulars specified in Schedule A.

License.

20. Every license granted under Section 4 of the Regulation shall be in the form of Schedule B.

Application for Registration.

21. Every application for registration shall contain the particulars specified in Schedule C.

SCHEDULE A.

Particulars to be given by applicant for license to drive (see Rule 19).

1. Full name of applicant.
2. Postal address or residence of applicant.
3. The age of the applicant.

4. Whether applicant holds, or as at any time previously held a license.
5. Particulars of any license which applicant holds, or which he has previously held.
6. Particulars of any endorsement on any license which applicant holds or which he has previously held.

SCHEDULE B.

Form of license (see Rule 20).

No. of 19 .

(Fee Rupees two (Rs. 2) only.

Motor vehicle license granted under
Section 4 of the Mysore Motor Vehicles
Regulation, 1913.

.....

(Name).....

of.....

Address.....

is hereby licensed to drive a motor vehicle
for the period of twelve months from this
date.

(Signature).....

Dated.....

*Inspector-General of Police
or District Magistrate of*

SCHEDULE C.

Application for Registration (see Rule 21).

1. Full name of owner.
2. Postal address of usual residence of owner.
3. Description or type of motor vehicle.
4. Type and colour of body of vehicle.
5. Maximum speed.
6. Number of cylinders.
7. Horse power.
8. Whether intended for—
 - (a) private use,
 - (b) use for trade purposes,
 - (c) use as a public conveyance.



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BANGALORE, THURSDAY, DECEMBER 4, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 2347—S. R. 261-12-3, dated 2nd December 1913.

In exercise of the powers conferred by Section 75 of the Mysore Stamp Regulation, II of 1900, and Section 35 of the Court Fees Regulation, III of 1900, the Government of His Highness the Maharaja of Mysore are pleased to issue the following Notification regarding the issue of the stamps of the new design:—

1. The new design for General and Court Fees Stamps bearing His Highness the Maharaja's portrait having been approved by Government, it is hereby notified that stamps of the following classes, denominations and colours will be ready for issue in all the Treasuries in the State from the 1st March 1914:—

(1) *Receipt Stamps*, with value in English and Kannada, one anna, British Post Office red.

(2) (a) *Court Fee Adhesive Labels*, with values in English, Kannada and Hindustani:—

Anna	1 ...	Orange.
Annas	4 ...	Green.
"	6 ...	Blue.
"	8 ...	Deep red.

Rupee	1 ...	British Post Office red.
Rupees	2 ...	British Post Office green.
"	3 ...	Violet.
"	4 ...	Rose lake.

(b) *Court Fee Impressed Stamp Paper*, with the words "Court Fee" at the bottom of the stamp with values in English, Kannada and Hindustani:—

Rupees 10 ...	Orange.	Rupees 37½ ...	Blue.
" 12½ ...	Green.	" 40 ...	Deep red.
" 15 ...	Blue.	" 42½ ...	Brown.
" 17½ ...	Deep red.	" 45 ...	British Post Office red.
" 20 ...	Brown.	" 47½ ...	British Post Office green.
" 22½ ...	British Post Office red.	" 50 ...	Violet.
" 25 ...	British Post Office green.	" 60 ...	Orange.
" 27½ ...	Violet.	" 70 ...	Green.
" 30 ...	Rose lake.	" 80 ...	Blue.
" 32½ ...	Orange.	" 90 ...	Deep red.
" 35 ...	Green.	" 100 ...	Brown.

(3) *General Stamps*, impressed paper, with values in English, Kannada and Hindustani:—

Series I.			Series I.		
Annas 2 ...	Orange.		Annas 8 ...	Deep red.	
" 4 ...	Green.		" 10 ...	Brown.	
" 6 ...	Blue.		" 12 ...	British Post Office red.	
Series II.			Series II.		
Rupee 1 ...	Orange.		Rupees 3 ...	Violet.	
Rupees 1½ ...	Green.		" 3½ ...	Rose lake.	
" 1¼ ...	Blue.		" 4 ...	Burnt umber.	
" 1½ ...	Deep red.		" 4½ ...	Deep green.	
" 2 ...	Brown.		" 5 ...	Vermillion.	
" 2¼ ...	British Post Office green.		" 7½ ...	Mauve.	
" 2½ ...	British Post Office red.				
Series III.			Series III.		
Rupees 10 ...	Orange.		Rupees 22½ ...	British Post Office red.	
" 12½ ...	Green.		" 25 ...	British Post Office green.	
" 15 ...	Blue.		" 27½ ...	Violet.	
" 17½ ...	Red.		" 30 ...	Rose lake.	
" 20 ...	Brown.				
Series IV.			Series IV.		
Rupees 32½ ...	Orange.		Rupees 42½ ...	Brown.	
" 35 ...	Green.		" 45 ...	British Post Office red.	
" 37½ ...	Blue.		" 47½ ...	British Post Office green.	
" 40 ...	Deep red.		" 50 ...	Violet.	
Series V.			Series V.		
Rupees 60 ...	Orange.		Rupees 90 ...	Deep red.	
" 70 ...	Green.		" 100 ...	Brown.	
" 80 ...	Blue.				

2. The old stamps in possession of private persons may be used for one month from 1st March 1914, and during two months from the same date old stamps will be taken in exchange for new ones in all the Government Treasuries. From 1st March 1914, the issue of old stamps from the Government Treasuries is prohibited.

By Order,

K. R. SRINIVASIENGAR,

Secretary to Government,
General and Revenue Departments.



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BANGALORE, THURSDAY, DECEMBER 11, 1913.

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Receipt Stamps, with value in English and Kannada, one anna, British Post Office red.

(a) *Court Fee Adhesive Labels*, with values in English, Kannada and Hindustani:—

1 ...	Orange.	Rupee	1 ...	British Post Office red.
4 ...	Green.	Rupees	2 ...	British Post Office green.
6 ...	Blue.	"	3 ...	Violet.
8 ...	Deep red.	"	4 ...	Rose lake.
9 ...	Brown.	and	6 ...	Burnt umber.

(b) *Court Fee Impressed Stamp Paper*, with the words "Court Fee" at the bottom of the stamp with values in English, Kannada and Hindustani :—

Rupees 10 ...	Orange.
" 12½ ...	Green.
" 15 ...	Blue.
" 17½ ...	Deep red.
" 20 ...	Brown.
" 22½ ...	British Post Office red.
" 25 ...	British Post Office green.
" 27½ ...	Violet.
" 30 ...	Rose lake.
" 32½ ...	Orange.
" 35 ...	Green.

Rupees 37½ ...	Blue.
" 40 ...	Deep red.
" 42½ ...	Brown.
" 45 ...	British Post Office red.
" 47½ ...	British Post Office green.
" 50 ...	Violet.
" 60 ...	Orange.
" 70 ...	Green.
" 80 ...	Blue.
" 90 ...	Deep red.
" 100 ...	Brown.

(3) *General Stamps*, impressed paper, with values in English, Kannada and Hindustani :—

Series I.

Annas 2 ...	Orange.
" 4 ...	Green.
" 6 ...	Blue.

Series II.

Rupee 1 ...	Orange.
Rupees 1½ ...	Green.
" 1¼ ...	Blue.
" 1½ ...	Deep red.
" 2 ...	Brown.
" 2¼ ...	British Post Office green.
" 2½ ...	British Post Office red.

Series III.

Rupees 10 ...	Orange.
" 12½ ...	Green.
" 15 ...	Blue.
" 17½ ...	Red.
" 20 ...	Brown.

Series IV.

Rupees 32½ ...	Orange.
" 35 ...	Green.
" 37½ ...	Blue.
" 40 ...	Deep red.

Series V.

Rupees 60 ...	Orange.
" 70 ...	Green.
" 80 ...	Blue.

Series I.

Annas 8 ...	Deep red.
" 10 ...	Brown.
" 12 ...	British Post Office red.

Series II.

Rupees 3 ...	Violet.
" 3½ ...	Rose lake.
" 4 ...	Burnt umber.
" 4½ ...	Deep green.
" 5 ...	Vermillion.
" 7½ ...	Mauve.

Series III.

Rupees 22½ ...	British Post Office red.
" 25 ...	British Post Office green.
" 27½ ...	Violet.
" 30 ...	Rose lake.

Series IV.

Rupees 42½ ...	Brown.
" 45 ...	British Post Office red.
" 47½ ...	British Post Office green.
" 50 ...	Violet.

Series V.

Rupees 90 ...	Deep red.
" 100 ...	Brown.

2. The old stamps in possession of private persons may be used for one month from 1st March 1914, and during two months from the same date old stamps will be taken in exchange for new ones in all the Government Treasuries. From 1st March 1914, the issue of old stamps from the Government Treasuries is prohibited.

By Order,
K. R. SRINIVASIENGAR,
Secretary to Government
General and Revenue Department



The Mysore Gazette.

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BANGALORE, THURSDAY, DECEMBER 18, 1913.

PART III.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. Fl. 2347—S. R. 261-12-3, dated 2nd December 1913.

Use of the powers conferred by Section 75 of the Mysore Stamp Regulation, 1900, and Section 35 of the Court Fees Regulation, III of 1900, the His Highness the Maharaja of Mysore are pleased to issue the notification regarding the issue of the stamps of the new design:—

The design for General and Court Fees Stamps bearing His Highness's portrait having been approved by Government, it is hereby notified that the following classes, denominations and colours will be ready for use in the treasuries in the State from the 1st March 1914:—

Stamps, with value in English and Kannada, one anna, British Post Office red.

Court Fee Adhesive Labels, with values in English, Kannada and Hindustani.

Orange.	Rupee	1 ...	British Post Office red.
Green.	Rupees	2 ...	British Post Office green.
Blue.	"	3 ...	Violet.
Deep red.	"	4 ...	Rose lake.
Brown.	and	6 ...	Burnt umber,

(b) *Court Fee Impressed Stamp Paper*, with the words "Court Fee" at the top of the stamp with values in English, Kannada and Hindustani:—

Rupees 10 ...	Orange.	Rupees 37½ ...	Blue.
" 12½ ...	Green.	" 40 ...	Deep red.
" 15 ...	Blue.	" 42½ ...	Brown.
" 17½ ...	Deep red.	" 45 ...	British Post Office red.
" 20 ...	Brown.	" 47½ ...	British Post Office green.
" 22½ ...	British Post Office red.	" 50 ...	Violet.
" 25 ...	British Post Office green.	" 60 ...	Orange.
" 27½ ...	Violet.	" 70 ...	Green.
" 30 ...	Rose lake.	" 80 ...	Blue.
" 32½ ...	Orange.	" 90 ...	Deep red.
" 35 ...	Green.	" 100 ...	Brown.

(3) *General Stamps*, impressed paper, with values in English, Kannada and Hindustani:—

Series I.

Annas 2 ...	Orange.
" 4 ...	Green.
" 6 ...	Blue.

Series II.

Rupee 1 ...	Orange.
Rupees 1½ ...	Green.
" 1¼ ...	Blue.
" 1½ ...	Deep red.
" 2 ...	Brown.
" 2¼ ...	British Post Office green.
" 2½ ...	British Post Office red.

Series III.

Rupees 10 ...	Orange.
" 12½ ...	Green.
" 15 ...	Blue.
" 17½ ...	Red.
" 20 ...	Brown.

Series IV.

Rupees 32½ ...	Orange.
" 35 ...	Green.
" 37½ ...	Blue.
" 40 ...	Deep red.

Series V.

Rupees 60 ...	Orange.
" 70 ...	Green.
" 80 ...	Blue.

Series I.

Annas 8 ...	Deep red.
" 10 ...	Brown.
" 12 ...	British Post Office red.

Series II.

Rupees 3 ...	Violet.
" 3½ ...	Rose lake.
" 4 ...	Burnt umber.
" 4½ ...	Deep green.
" 5 ...	Vermillion.
" 7½ ...	Mauve.

Series III.

Rupees 22½ ...	British Post Office red.
" 25 ...	British Post Office green.
" 27½ ...	Violet.
" 30 ...	Rose lake.

Series IV.

Rupees 42½ ...	Brown.
" 45 ...	British Post Office red.
" 47½ ...	British Post Office green.
" 50 ...	Violet.

Series V.

Rupees 90 ...	Deep red.
" 100 ...	Brown.

2. The old stamps in possession of private persons may be used from 1st March 1914, and during two months from the same date may be taken in exchange for new ones in all the Government Treasuries. From 1st March 1914, the issue of old stamps from the Government Treasuries is prohibited.

By Order

K. R. SRINIVASA

Secretary

General and Revenue

ENDORSEMENT.

To

Mr. P. Shama Row,

P l e a d e r,

SERINGAPATAM.

With reference to his petition dated the 3rd March 1917 requesting that the Palace Imarath Garden at Seringapatam may be leased out on certain conditions to him, Mr. P. Shama Row is hereby informed that other arrangements have been made for the disposal of the land and accordingly it cannot be given over to him.

Palace Controller's Office, Bd./B. Ramakrishna Row

Mysore, 8th June 1918.
VGB.

Palace Controller..

Copy of the above is forwarded to the Mokhsar Palace Estates & Gardens, Mysore, for information &c., with reference to his No.195

dated